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THE
CHEROKEES

VOL. I

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THE REMOVAL
OF THE
CHEROKEE INDIANS
FROM
GEORGIA.

BY
WILSON LUMPKIN.

INCLUDING

His Speeches in the United States Congress on the Indian Question, as Representative and Senator of Georgia; His Official Correspondence on the Removal of the Cherokees during his two terms as Governor of Georgia, and later as United States Commissioner to the Cherokees,

1827-1841

Together with a Sketch of His Life and Conduct while holding many Public Offices under the Government of Georgia and the United States, prior to 1827, and after 1841.

VOLUME I

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WYMBERLEY JONES DERENNE
1907

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PREFACE.

This history of the removal of the Cherokee Indians from Georgia is taken from two volumes MSS. in my possession, entitled:

“Incidents connected with the life of Wilson Lumpkin, illustrated from selections from his speeches and official writings, written and compiled by himself in the seventieth year of his age, 1852.”

These volumes are such as were used for deeds and mortgages, and contain thirteen hundred and seventy-five pages of closely written matter, some of which are on miscellaneous subjects.

The writing is very clear and distinct, and there are hardly any erasures or corrections.

The first volume has an introduction, addressed to his children; twelve chapters; two notes, and an appendix.

The appendix contains a lengthy article on religious matters, a letter to the Sarepta Association and a letter to the Rev. George Lumpkin. There is also an index to his letters. I have omitted the introduction and the appendix, and have only given extracts of the first two chapters, in which are many philosophical reflections and good advice to young people. The other chapters are given in full, except Chapter IX, entitled: “Executive Correspondence,” which is wholly devoted to minor correspondence on penitentiary matters, and therefore not interesting.

The title, the introduction, the contents of the twelve chapters, and the notes, are in his own handwriting.

The second volume has ten chapters, commencing with Chapter XIII.

Chapter XIX, entitled: “Continuation of senatorial service, embracing a number of speeches and remarks on

the floor of the Senate, on a great variety of interesting subjects, with frequent notes and comments by the author."

Chapter XX, entitled: "Continuation of senatorial service, speeches and remarks on deeply interesting subjects, together with frequent notes and comments by the author."

These two chapters, together with Chapter XXII, which is wholly devoted to family history, are left out as irrelevant to the subject.

It also has an appendix, containing three notes: A statement about the Hon. Wm. H. Crawford; a criticism and answer to Gov. Gilmer's "Georgians;" which are included. It is almost entirely in his handwriting.

WYMBERLEY JONES DeRENNE.

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CORRECTIONS

Page 54, line 20, for 1892, read 1802.

Page 268, line 22, for Foote, read Foot.

Pages 276, 277, 278, 287 and 289, the name D. R. Mitchell is printed as it occurs in the manuscript, in every instance, but it is probably written by mistake for D. B. Mitchell.

Page 37, line 14, for Gieu, read Guieu.

Page 350, line 3, for *council*, read *counsel*.

CHAPTER I.

I am a native of Virginia, and was born in Pittsylvania County, January 14th, 1783. When I was one year old my father removed to Georgia, and settled in that part of the state then known as Wilkes, now Oglethorpe, County. My parents were of English descent on both sides, and Virginia the birthplace of them and their ancestors for several generations past. My mother's maiden name was Hopson. My parents had ten sons, and only one daughter. Eight out of the ten sons, as well as the daughter, lived to form matrimonial connections and rear families of children. I was the second son, and called after the husband of my father's only sister, Col. John Wilson of Pittsylvania County, Virginia. My father, John Lumpkin, was amongst the first settlers of Oglethorpe County, who, with his father, George Lumpkin, settled on Long Creek in the year 1784, and encountered all the difficulties and dangers of settling a wilderness, far removed from a dense population, and well cultivated fields, exposed, too, to frequent depredations from hostile and savage Indian neighbors, so far as to force them and their frontier neighbors to erect, and live within the enclosed walls of a rough, but strong built fort, for several of the first years of their sojourn in Georgia.]

My father had a good business education, wrote well, and was active and ready in the transaction of various branches of business. Blessed by nature with a fine commanding person, upwards of six feet high, and perfectly erect in his carriage, naturally fluent in speech, polite, courteous and exceedingly popular in his deportment, and social intercourse with others. Rather excitable in his temperament, yet he had sufficient command of his feelings to control his temper, when his judgment deemed it to be proper and expedient to forbear. During a long public life, in various important county offices, few men ever maintained a more uniform popularity, although sometimes censured and blamed as a public officer, yet upon due investigation, he never failed to rise higher in the public esteem. He was for many years an acting magistrate, or justice of the peace, in the County of Wilkes. After the creation of Oglethorpe County he was for many years a Judge of the Inferior Court. Was a member of the Legis-

lature which passed the rescinding act of the Yazoo Fraud. A member of the convention which formed the present Constitution of Georgia, was elected a Jeffersonian Elector of President and Vice-President, was for many years Clerk of the Superior Court of Oglethorpe County—besides in various minor public trusts, too tedious to mention. These different positions always brought within the reach of his family a knowledge of many local public matters which were not admissible to many of the rising generation of that day. In his house were always found more newspapers, books and reading than was common to families of that period in similar circumstances; in other respects few men retain so large a share of popularity, through life, in their respective spheres, as he did. From the first settlement of the County to this day, he and his immediate descendants have maintained as much character and influence in the County of Oglethorpe as has fallen to the lot of any other whatever. My mother was a woman of great strength of mind, deeply imbued with the religion of the Bible, with which Book she was so familiar as to need no concordance to find any passage of Scripture which she desired.

At a very early age I paid great attention to all that was said by grown people, especially the aged. I have often sat quietly, when a small boy, at my mother's feet, and heard her detail the hazardous scenes through which my maternal uncle, Col. Joseph Hopson, passed during the War, in Morgan's Rifle Corps, in which he served in a captain's command.

My father being Clerk of the Superior Court of Oglethorpe County, I had frequently in my school days, at times when at home, been put pretty closely, for weeks together, to copying various writings appertaining to the Clerk's office, which greatly enlarged my stock of information upon various subjects, particularly the forms of various legal instruments, and the Statutes of the State upon which they were predicated; indeed I had by this time become quite familiar with most of the laws of Georgia, and could readily draw up in due form all such instruments as deeds of conveyance, bills of sale, mortgages, wills, &c., and was often called upon to perform such services by the honored, and felt amply rewarded for my labor by the kind words of praise and approbation which I generally received.

From sixteen to eighteen, my time was devoted to the

Clerk's office, or to laboring in and superintending my father's farm; which period I had access to books in which I became deeply interested, and availed myself of every hour of time which could be spared from business. In history, I read Josephus, Rollin, Plutarch, Gibbon, Hume and many other useful books. Blackstone I had been reading before, but it now became more and more interesting as I discovered how it was connected with, and had sprung from, the history of the past. I read Smith's *Wealth of Nations*, Vattel, and Paley's *Philosophy* with deep interest, and then became an unwavering convert to the principles of free trade. This course of reading, study and reflection, connected with the fact of being a great deal in the society of some gentlemen of liberal education, and extensive information, caused me to mourn over my own ignorance and want of a liberal and regular education. My acquirements in these two years enlightened me to see and feel my want of learning. My eyes were opened to a glimpse of the vast field of science and literature, necessary to be explored, in order that a man may be prepared for the greatest usefulness to his fellow men. My desire for knowledge was intense, but everything like hopeful aspirations after it was often completely checked, from my want of means to embark in any thing like a regular course of learning. I ignorantly believed that it was wholly impossible for me under all the existing circumstances to become a highly educated man. I did not see then how I could attempt such a course. All this I now know was ignorance, and if I at that time could have believed that I should have accomplished the little I have done, I should certainly have accomplished a great deal more than I have. Therefore I say to the young—Try—patience and perseverance in well doing rarely meets with a negative. Previous to this time, for several years, I had intended to prepare as well as I could, and finally become an attorney-at-law, and perhaps at the proper time to embark in politics. But when about eighteen years of age the humble estimate I put upon my acquirements and talents caused me, as I then thought, decisively to make up my mind to abandon all idea of engaging in pursuits of ambition or worldly distinction. And I at once determined, youth as I was, to seek felicity in the connubial state, and in a correct and virtuous discharge of all those duties devolving on so important and responsible a situation. Believing as I then and now do, that the nearest approach which this world

affords to Paradise is to be found in rural life, in the midst of virtuous and well conducted family organizations,

“But happy they ; the happiest of their kind
Whom gentle stars unite, and in one fate
Their hearts, their fortunes, and their beings blend.”

Suffice it, for the present, to say on this head of my discourse, that I married the wife of my choice, three years and upwards younger than myself.* That we lived together nineteen years, when it pleased God to take her to that “house prepared for her in heaven, not made with hands, but eternal.” She had all the merits of a faithful good wife, and the time we lived together did but endear her the more to my heart. She was the mother of five sons and three daughters. Three of the sons had been committed to the tomb before her departure. The other five children are still living.

*Elizabeth Walker.

CHAPTER II.

The three first years of my married life were devoted with untiring energy to improving my circumstances, and adding to the comforts of my humble home. I had good productive land to improve, and a few negroes to help me do the work. I lost no time from my domestic duties, except in the discharge of citizenship, or those which appertained to my Church of which I had become a member. I did, however, occasionally do heavy jobs of writing for my father, who still held the office of Clerk of the Superior Court, and a portion of the twentieth and twenty-first years of my age was spent in teaching school, in a house built by my neighbors near my own residence.

Before the school year closed I had upwards of forty scholars, and was perhaps one of the most popular teachers in all the county around. But with the close of this school terminated my being a school master.

"A man's heart deviseth his way; but the Lord directeth his steps." I was now about to launch into a field for which I had to some extent been trained, and which I had voluntarily, and as I thought forever, abandoned. On the first Monday in October, 1804, I was elected a member of the Legislature of Georgia by a vote of the people of Oglethorpe County, extraordinary for its approach to general consent. I was thus, without the slightest seeking on my part, transferred by the popular voice from my school house to the halls of legislation.

Upon taking my seat in the Legislature, I felt that I was a novice, the youngest man in all the Legislature.

But at this my first session as a member of the Legislature, I became somewhat familiar with legislative and executive affairs. At the close of this session, my application had been such that I was perfectly familiar with parliamentary order, as administered in the Legislature of Georgia. And the presiding officer of the House was Abram Jackson, of Burke, (bro. to our distinguished Gen. James Jackson) and a man of more than ordinary qualifications for the station with which he was honored. At this time Gov. Milledge filled the Executive chair, with ability and dignity.

At this period of our Republic Mr. Jefferson filled the Executive chair of the Union, and the popularity of his principles and administration was such that there was no such thing as an open avowed organized party opposed to him and his Republican administration. At this day, we had had no avowed Federal party in Georgia. Political parties fifty years ago in Georgia, and indeed long since, turned more upon popular leaders—more on men than on measures. Mr. Crawford and Gen. Clark were at this time personal enemies, and each of them had a controlling influence over a considerable portion of both branches of the Legislature, while perhaps a majority of the members, *like myself*, desired to keep aloof from the personalities of these gentlemen. Mr. Crawford and his friends, with whom I was the most intimate, were in the habit of calling Gen'l Clark and his friends *the Federal party*, and accused Gen'l Clark and some of his leading friends (truly) of having held office under John Adams, the elder; moreover, they alleged that Clark and his friends were connected with and participated in the odious, corrupt, hateful, and abominable Yazoo Fraud—perpetrated through the instrumentality of the corrupt Legislature of Georgia, in the year 1795—which transaction, though rescinded, and expunged from the records of the State, cannot be thought of by men of my age without a blush of deep mortification and regret that the integrity of their beloved State should ever have been thus tarnished. Upon the other hand, Gen'l Clark and his friends claimed to be the direct descendants of the principal leading Whigs of the Revolutionary War, in the Southern States, and of having gained our State from the mother country, as well as the savage foe.

They gloried in the name of Washington, the Father of his Country, and alleged that he brought Mr. Adams into the Presidency, as his successor, and that the revolutionary services and patriotism of Adams himself, connected with the confidence reposed in him by Washington, had led them to accept office under his administration; and that they were not selected for office on account of their present affinity with Federalism, but on account of their distinguished Whig connections of the Revolution. Truly and indeed, Clark and most of his leading friends of that day professed to be, and in many respects sustained well, the character of real Democrats, if not *Red Republicans*.

In regard to the Yazoo Fraud, the facts are these, as the records of the county will still show: neither Clark nor

any other man in Georgia has ever been promoted to high office, who, in any tangible way whatever, participated in bringing about that despicable transaction, either directly or indirectly. Gen'l Clark and many other individuals, who seem never to have had any thing to do with the infamous transaction until the Legislature had consummated their crime, afterwards became purchasers of scrip or lands purchased by the speculators under the fraudulent act of the Legislature. For my own part, I always condemned even this distant connection with the infamous transaction. Yet many men of honor and great integrity of character in Georgia reasoned differently, and considered their second hand purchases fair and legitimate. For many years the validity of the titles of the speculators was litigated before the highest judicial tribunals of the country, and the opinion of many of the ablest legal men of the country was in their favor. Indeed Congress, after Georgia had transferred her right to the land to the Federal Government, passed liberal compromise acts, under the provisions of which the litigation was finally adjusted. Gen'l Clark at various times conversed with me on the subject of the Yazoo Fraud, and always expressed the strongest indignation against the corrupt and fraudulent transaction, and seemed to feel justified in purchasing back, upon the best terms he could, an inheritance of which he had been unjustly defrauded. Gen'l Clark, and his friends, professed to consider their opponents in the light of a combination of mere office-seekers, destitute of all fixed political principles. The leaders were composed chiefly of lawyers, who could with great facility, with our then scattered population, govern the politics of the State.

Up to this time, and for many years after, there had been no organized division of parties on general politics. All aspirants to office professed to belong to the Republican party. We never had more than one State ticket for Electors of President and Vice-President, until General Jackson became a candidate for the presidency. Under this state of things, on my entrance into the Legislature of Georgia, I imbibed a disrelish to becoming a partizan to either of the factions. I had much respect and real regard for the leading men on both sides, and appreciated their courtesy and kindness to me. But I did not participate in the prejudices of either. At the close of the session, I returned to my family and constituents, to render an account of my stewardship, and was very generally greeted with

kindness. On the first Monday in January following, without my being consulted on the subject, I found myself appointed a magistrate of my district, the Inferior Court at that time being the appointing power. I sincerely regretted the mark of confidence, but the people of my neighborhood and district would not listen to any apology or excuse tending to declination. I felt myself bound to accept, and accordingly forthwith entered upon the duties of my new office. I held the office for some years, and believe gave very general satisfaction. But I now state in candor, and in truth, that from that day to this I never have filled an office, in which I oftener found myself embarrassed, and at a loss how to proceed. You who live in Georgia, at this time, will please to suspend your surprise, while I give you some account of the then existing state of things. And first, at that distant period, some magistrates felt morally and conscientiously bound to do their duty. They felt that they were conservators of the peace of society—in their spheres, they felt bound to execute the laws. They were measurably destitute of those valuable books of forms, now in the hands of every one. The Statute laws of the State had not then been extended to one-half of those cases of litigation and controversy which from time to time arise in society. The magistrate in those days had but little of what is called precedents before him. I had read Blackstone, I knew something of what is called common law; but had to exercise due caution how I referred to such authority, when in the presence of my brethren of the same Bench. I had to act as parson in solemnizing the bands of matrimony. I had to counsel both plaintiffs and defendants, when, in a strait, it was difficult to obtain legal advice, for lawyers were not so plenty then as to make it necessary *to ride double*. Each one then could afford himself a horse. I had to write deeds of conveyance, bills of sale, mortgages, marriage contracts, wills, memorials to the Legislature and to Congress, articles of agreement—of copartnerships—and to give advice to all my neighbors, in regard to legal matters—indeed the time I occupied this office I consider the most memorable of my whole life. The most useful part of my labors in this office, however, must be attributed to my success as a peace maker—before I relinquished the office I was able to effect amicable settlements between contending parties, and restore peace and harmony, without resorting to the law in most cases, and in all practicable cases I invariably pur-

sued that course. For several years I continued to serve in the Legislature of Georgia, with the general approbation of my constituents, and I trust with somewhat improved qualifications to render them useful service.

The Legislature of Georgia, at the period of which we are speaking, as hereinbefore suggested, was to a considerable extent composed of gentlemen highly qualified for the discharge of the important duty of legislating for a state destined to become conspicuous in our great confederacy of states; and the transactions growing out of the Yazoo Fraud had pretty nearly purged the state from political corruption in her counsels and government, and I should have enjoyed the privilege of a seat in the Legislature of Georgia very highly, but for faction and political strife, based rather upon personal considerations than that of vital and fundamental principle of government. Every man of experience knows the difficulty under our system of government of being an official man, and at the same time keeping aloof from two contending parties. This was the position I had sought to maintain. I found things to censure and approve in both parties—I believed that both had equal claims to patriotism—and I could not in good conscience heartily enter into warfare for any man or set of men. I felt desirous that these strifes might cease. I desired no other motto than “God and our country.”

Under these considerations, in connection with the growing demand for all my time and services, being devoted to my family, I withdrew from the bustles of public life—I thought forever; but it was at best for a short time. By natural increase, in nine years my family, including the colored with the white, had increased three-fold—which added greatly to my charge, and little or nothing to the productive labor of my establishment. But by the industry, care and good economy of my wife, and my assiduous devotion to my domestic affairs, when not actually engaged in public matters, we had enlarged and greatly improved. Our real estate was free from embarrassment and debt, and the way open to work for a living. { Having spent my life in Georgia, and having seen but little beyond its borders, and often hearing the glowing descriptions of the great West, from the lips and pens of intelligent and gifted men, I became restless, and felt disposed to seek a better earthly paradise, and after much reflection on the subject, on the first of September, in the year 1811, in company with four

2 other gentlemen of Oglethorpe County, I set out for what was then considered the far West. We traversed what is now the States of Alabama and Mississippi, and took a general view of what is now considered the most desirable portions of those States, although the country was then chiefly occupied by the Indians. From Natchez to New Orleans, we examined the Mississippi bottoms, and its appurtenances. We crossed the Mississippi and proceeded up the Red River about one hundred miles. Our return route was through Tennessee and Kentucky. We were almost incessantly traveling for near four months, and arrived at home just before Christmas. We examined everything of most interest, on the line of the route herein designated. It would be superfluous for me to refer to my old Note Book and Journal, which was faithfully kept from day to day, and is still preserved, in order to describe the country explored, its advantages and disadvantages, and the views which I then entertained, the conclusions to which I arrived. All this kind of information can now be derived from sources far more accurate and ample, and therefore more entitled to consideration. Suffice it for me to say that I returned home fully satisfied that, all things being taken into consideration, a better earthly country than Georgia, for the whole population, could not be found under the sun. And I think so yet. I have seen richer lands elsewhere than in Georgia. But her variegated soil, climate and productions, in connection with her advantages of water, commerce and population, are unsurpassed, and should satisfy any mortal man. Georgia is a favorable land to prepare for an abiding home. During this long and hazardous journey, through the wild wilderness and savage men of the forest, I was wonderfully preserved from fatal disasters. We not only penetrated and explored the land of the heathen, but for many days' travel; on different parts of our route, we followed the trails and paths of the savage which were known at that time to be infested with bands of the most bloody robbers. We spent one day at the great Indian Council, held at Tuckabatchee in the Creek Nation, when not only all the tribes of the different nations of the Indians of the Southern States were represented, but a delegation of the Northern tribes, headed by the distinguished Chief Tecumseh, were in attendance. We now know, that at that very council it was resolved by the Creek Indians to unite with Tecumseh and his Northern hordes in aiding the

British in their anticipated war with the United States. Indeed, while I was yet in the wilderness, I heard of the death of Arthur Lot and his son, murdered by the Creek Indians, in the path which I had but recently traveled. And before, or just after my return home, I heard of the massacre of the inmates of Fort Mimms, near the junction of Alabama and Tombigbee rivers, a place where I had spent several days to recruit my stock of provisions. For during the greater portion of our journey we carried our subsistence on pack mules, attended by our servants. We observed all the time we were amongst the Creek Indians that they were unaccommodating, stubborn and insolent. We were watchful and guarded in all our movements, but entertained but slight apprehension of any serious danger.

CHAPTER III.

In June, 1812, the Congress of the United States declared war against Great Britain—which, if nothing else, rendered it entirely inexpedient for me to think of removing with my family to the country which I had selected for that purpose. My country now being involved in war, I felt it to be my duty, regardless of my private interest, to give my best services to her; and accordingly at the ensuing election, in October, the people of Oglethorpe County, in that spirit of kindness and partiality which they had uniformly extended to me from early boyhood, again elected me to represent them in the Legislature of Georgia. It may be proper here to state that I never, at any season of my life, felt any taste or desire to engage in military life. I never had a taste for human slaughter, and therefore did not seek the glory of military fame. I continued to serve in the Legislature of Georgia for the two first years of the war, and took an active part in all those measures deemed necessary to meet the existing exigencies of the country. But without entering upon the details of my own particular acts, suffice it to say that I became convinced, from my intercourse and business connection with gentlemen from every part of the State, that the people desired to transfer me from a seat in the Legislature of the State to that of the Congress of the United States. I therefore became a candidate for Congress at the ensuing October election (by general ticket) in 1814. And I was elected the highest man on the ticket, except Mr. Forsyth, who received a few more votes than myself. The delegation consisted of Mr. Forsyth, myself, Wilde, Alfred Cuthbert, Thomas Telfair, and Bolling Hall. Being elected more than a year before the time of entering upon the duties of my new appointment, afforded me time for the study and consideration of the various duties of the new station to which I had been called, and you may rest assured I endeavored diligently to make the very best use of the time thus afforded. Before I took my seat, the country was again restored to peace, by the Treaty of Ghent, entered into between the two belligerents.

When I arrived at Washington, in the latter part of

November, 1815, to enter upon my duties as a member of Congress, I then first beheld the Capitol of the country—the mansion of the President and other public buildings, undergoing repairs, having been blown up, and greatly injured by the vandal hands of the enemy during the war—Congress had necessarily to transact its business in another building, temporarily prepared for the purposes. Although peace had been restored to the country, this Congress met under circumstances of great responsibility, requiring a degree of patriotism, wisdom and statesmanship equal to any which had ever preceded it. The debt of the United States, liquidated and unliquidated, was not less than one hundred and thirty millions of dollars. The country had but little specie, and the paper circulation was not only deranged, but was to a great extent worthless—so little confidence was placed in the Bank bills then in circulation, that you could scarcely travel from one state to another, without the bills of the state in which you were journeying. The time had now arrived for changing and adjusting all the Legislatures of the country from a war to a peace establishment. The experience gained during the war had unsettled and changed some of the former fixed and settled opinions of many of our distinguished statesmen. Our little Navy had fought itself into popularity and favor. The dreadful state of the currency of the country had produced conviction on the minds of many that the finances of the country could not be managed successfully without the aid of a National Bank. The suffering of the country for the want of many of the necessaries of life, during the war, when our commerce was cut off, caused home or domestic manufactures of every kind which had sprung up during the war to have very many strong friends in Congress, who were disposed not only to encourage but to protect those infant establishments from foreign competition, by laying heavy duties upon imports.

There was another class of statesmen, who had always belonged to the old strict construction school of politicians, who although in favor of encouraging manufactures, by laying high revenue duties on foreign imports, because necessary to raise money to pay the debts of the nation, did not concur in the policy of legislating for the express object of encouraging any one branch of industry, in preference to, or at the expense of, another. They then, as now, denied the constitutionality of a protective tariff. Nor was the tariff of 1816 passed principally to *protect*, but

incidentally to encourage manufactories, and *raise money* to pay the debts of the nation. All at that time desired the increase and prosperity of domestic manufactures, with a view to the independence of the country, in time of war as well as peace. But many, then as now, protested against the constitutionality of a *protective* tariff designed to enrich individuals, or sections, at the expense of other sections, or individuals engaged in different pursuits. I voted in favor of the tariff of 1816, for the purpose of raising money to pay the public debt. And to avoid a resort to direct taxes for that purpose, and with kind feelings to that interest, at the time I was pleased at the incidental encouragement which it afforded. Popular favor at this time was loud and strong in favor of the Federal Government prosecuting various works of internal improvement with a view to the common defence and general welfare of the country. It had been seen, during the progress of the war, then just terminated, that for the want of roads, and other practical improvements, to facilitate transportation from one point to another, the country had suffered immense loss of both men and money. The army as well as the munitions of war, including subsistence for the army, very often had to perform a long, hazardous and circuitous route (for the want of a direct road) which cost the government a vast amount of money, often accompanied by the most serious disasters. The transportation of a barrel of flour one hundred miles sometimes cost more than the purchase of three barrels. Under all the circumstances existing at this time, many of the members composing this Congress, who had hitherto acted with the old Republican party of the country, and who professed the faith of the Virginia and Kentucky resolutions of 1798 and '99, manifested a strong disposition to favor measures of a liberal and latitudinarian character. It is difficult for the most enlightened men of the present generation to review the proceedings of this Congress without doing much injustice to many of the prominent actors on that theater. Many members of this Congress, who with Jefferson and Madison at their head, had zealously contended for the most strict construction of the Federal Constitution, for state sovereignty and state rights—who had denied to Congress the power to charter a United States Bank—to foreign imports—or by constructing and carrying on a system of internal improvements by the Federal Government, were now found with Mr. Madison at their head,

more or less sustaining and encouraging a latitudinarian policy which they had hitherto repudiated and condemned. Mr. Madison, in his annual message to this Congress, says: "In the absence of the precious metals, it devolves on the wisdom of Congress to provide a substitute which shall equally engage the confidence, and accommodate the wants of the citizens, throughout the Union. And, if the operation of the State Banks cannot produce this result, the probable operation of a National Bank will merit your consideration." On the subject of manufactures he says: "Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency which justify the belief, that with a *protection*, not more than is due to the enterprising citizens, whose interests are now at stake, it will become at an early day not only safe from competitions from abroad, but a source of domestic wealth, and even of external commerce. In selecting the branches more especially entitled to public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defence, or connected with the primary wants of individuals." Mr. Clay, now Speaker of the House of Representatives, and who had not long before returned, as one of the successful negotiators of the Ghent Treaty, was at the time, emphatically the great Magnus Apollo of the great Republican party, and most efficiently and successfully supported all the most important policy and recommendations of Mr. Madison. Moreover, he was sustained by a number of gentlemen who have long since distinguished themselves as the first statesmen of the age. On this list you will find the names of Calhoun, Lowndes, Forsyth, Wilde, Ingham, Yancey, Middleton, Judge McLean, of Ohio, &c., &c., besides a host of talent in the opposition rarely equalled, and never perhaps surpassed. Indeed this Congress was very highly distinguished for talent, genius and political experience. Besides those named, there were Timothy Pickering, Daniel Webster, John Sergeant, Wm. Gaston, Grosvenor of New York, Philip P. and James Barbour, of Virginia, John Randolph, of Roanoke, and his half brother, Henry St. George Tucker, Sheffey, Judge Nelson, Gov. Tazewell, Gov. Pleasants, Wm. Roane, and Wm. A. Burwell, all of Virginia, R. M. Johnson, and Gov. Desha of Kentucky, T. B. Robinson, of Louisiana, Hulbert and

King of Massachusetts, Hopkinson of Philadelphia, Wm. Pinkney of Maryland, Nath'l Macon of North Carolina, Gov. Bibb of Georgia, Wm. R. King of Alabama, besides a great number of highly talented individuals, not enumerated in this list. But my principal object is to evince, that it should be no matter of surprise that such men as Madison, Clay, Lowndes, Calhoun, and their followers, should have succeeded in incorporating a National Bank, have laid the foundation for a protective tariff, and have prepared the way for the Federal Government to enter on a system of internal improvements. The measures on these several subjects, however, were not consummated without a most vigorous opposition—such men as John Randolph, P. P. Barbour, Wm. A. Burwell, Nath'l Macon, and many others, opposed these measures on constitutional grounds, and they were aided and strengthened by the violent portion of the old Federal party, who still sought to embarrass any administration of the government, called Republican. Yet in all the proceedings of this Congress, I can now more clearly see than I then apprehended, that preliminary steps were taken, and the way was preparing, for what has since been called the era of good feelings under the administrations of Mr. Monroe; there were many men in this Congress disposed to blot out from the book of remembrance forever political strife, and join in the cry, "we are all Federalists—we are all Republicans." In this Congress, I often felt myself embarrassed and at a loss, to determine on the path of duty—I was a Democrat, by nature, and a Republican from principle, education and all the intimate associations of my past life. I was not then sufficiently acquainted with all the historical facts connected with the formation of the Federal Constitution, and with the history of the state governments, touching their Federal and Constitutional union, to enable me independently of all testimony except records, to form opinions for myself on controverted constitutional points. I now saw many of the old leading Republicans, who had once opposed National Banks, Protective Tariffs, a system of internal improvements by the Federal government, &c., &c., pleading for the expediency and necessity of these measures. While Macon, Randolph, P. P. Barbour and others adhered to their old Republican faith, under these circumstances and under the impression that nothing else presented to my mind could save the country, I voted for the charter of the National Bank, as well as for the Tariff

of 1816. But I have long since repudiated these votes, believed myself to be better informed, and have been firmly resolved that no necessity whatever should ever induce me to contribute my mite to the enlargement of the powers of the Federal Government one hair's breadth beyond the limits of the Constitution. I have long believed, and that belief is constantly confirmed by passing events, that the consolidating tendency of the Federal Government is the great rock upon which our glorious union of states will be sundered to fragments. In attending to the business and debates of this Congress, an ample opportunity was afforded me to listen to many of the ablest parliamentary debates which have ever taken place in this, or any other country. Here the intellectual power and oratorical ability of the greatest men might be daily compared and contrasted. Here for the first time, and they in all the glory and bloom of manhood, I witnessed some of the greatest speaking efforts of Clay, Calhoun, Webster, Randolph, Pinkney, Lowndes, Sergeant, Forsyth, Hopkinson, Barbour, Sheffey, Gaston, Grosvenor, Hubbard, Mills, &c., &c., &c.

This first Congress in which I ever served broke the scales and opened the book in which is recorded the actings and doings of statesmen, politicians, and partisans; and although I have read much and studied more, on the subjects therein revealed, I have long since despaired of ever reaching to the end of the chapter. Man is man; and with all the ennobling endowments which fall to the lot of those who are the most highly favored, yet we behold a compound of good and evil—marks of depravity, like dark spots on the sun, may at times be seen without the aid of a telescope. I beheld in my countrymen talents, patriotism, experience, and wisdom, with a little spice of selfishness, wherever I turned. I then thought, and think still, that Nathaniel Macon was the wisest and best man, in Congress. John Randolph was the Ishmael of the House — as independent, and I believe as honest, as Mr. Macon, but not so prudent or wise. He cried aloud and spared not—he exposed the political sins of all the prominent public men of the country—and after occupying three days in one Congressional speech, he declared he had only arrived at the threshold of his subject. Mr. Randolph in his speeches talked about everything, and confined himself to nothing in particular. Yet he never failed deeply to interest his entire audience from the be-

ginning to the end of his speeches—even when they were extended over three Congressional days. The appearance of the man, his peculiar shrill voice, his original manner, the ease with which he commanded the very word which was best suited to inforce his idea, his deliberate, thoughtful appearance, his distinct articulation—all, all combined to make him the most extraordinary man of the age.

At that early day I learned enough of the character of Mr. Calhoun's mind to see that if you admitted the premises which he laid down, his powers of logic, analogy and condensation were such as to make him wholly irresistible; which induced me from that time, throughout my long and intimate acquaintance with him, to examine fully, before I assented to his premises. He excelled all other men in concentrating and condensing thought. A perspicuous speaker and writer, and yet always concise, ambitious of fame, but still more so of integrity of character, and the honor and glory of this country, Mr. Clay's oratory exercised an influence over his audiences unequalled by all competitors. The same words used by him, if used by any other man, would have fallen vastly short of producing the same effect. I then viewed Mr. Webster as the young giant of Federal strength, and time has proved that I was not mistaken. Mr. Lowndes was the most accomplished statesman of his age, and as a high-toned, courteous, unassuming gentleman, unsurpassed. Had his life been spared he would have been called to the Presidency by general consent. He stood unrivalled in the confidence and affections of all.

But the digression from my subject would be inadmissible for me to speak of P. P. Barbour, Forsyth, Sergeant, Hopkinson, Gaston, Grosvenor, Pleasants, Pinkney, and scores of others, whose distinguished abilities won for them, more or less, the admiration of the country. The measures of this Congress, whether wise and politic or not, certainly acted temporarily as a charm upon the country, and an unparalleled degree of prosperity ensued. In less than two years, every product of the country was enhanced in value, and our great Southern staple sold in Augusta at upwards of thirty cents per pound.

But for one unwise and indiscreet measure, the acts of this Congress would have received the general approbation of the country. I allude to the act of changing the compensation of members of Congress from a per diem allowance to that of a salary. It was at that time six dol-

lars per day, and was changed to fifteen hundred dollars per annum, without regard to the number of days in actual service. I thought the principle of the change from a per diem allowance to a stated salary wrong, and therefore, with the whole delegation from Georgia, voted against it, at every stage of its progress. But it was passed by a small majority, and became the law of the land. Perhaps no law which has ever passed Congress produced so general an excitement throughout the whole land. Editors of newspapers, of all parties, people of every grade and condition, denounced the law. Those who voted against the law, but received the compensation under it, were even worse than those who voted for it, inasmuch as they were the receivers of stolen goods, &c. This excitement was headed all over the United States by office-seekers, and demagogues, and zealously kept up until after the next Congressional election in all the states, and resulted in an almost entire change of members of Congress, throughout the Union. Mr. Forsyth of Georgia was the only re-elected member. For myself, I was so conscious of my innocence in deserving the slightest blame in the matter, I felt assured that the people would justify my conduct, and re-elect me, and thereby take off any reproach which the excitement had improperly attached to me. I therefore suffered my name to go out as a candidate for re-election—remained quietly at home, rather disgusted at so unexpected and undeserved an attack, and treated my active opponents with silent contempt. The result of the election, however, satisfied me that error may temporarily triumph over truth, and that vice, as well as virtue, has its triumphs. I was beaten by a small vote, but had a much higher vote than any of my old colleagues, except Mr. Forsyth—and all the old delegation were candidates, except Mr. Hall.

The most violent opposition to my re-election came from a quarter where I had least expected it. It was from the intimate personal friends of the Hon. Wm. H. Crawford, to whom I had from my boyhood been personally and politically strongly attached, as well as my family relations and best friends. I suspected at the time this opposition to me originated with Mr. Crawford himself, but in this I might have been mistaken, for I still have his letter written to me on the subject, in which he says he voted for me himself, and advised all with whom he conversed on the subject to do the same. My principal reason

for suspecting Mr. Crawford was founded on a piece of history, which I feel it my duty here to give. During the session of Congress, upon which I have so long dwelt, I found from my intercourse and acquaintance with all the public men of the country, as well as with citizens from every quarter of the Union, attending at the Capitol on business—that the public opinion of the country, with unparalleled unanimity, had concentrated on Mr. Monroe as the successor of Mr. Madison, at the approaching Presidential election, which was to come off in the fall of 1816. Mr. Monroe's long career of popular services, commencing with the Revolutionary War, and running through near forty years, he having filled many of the most distinguished and important offices of the country, both at home and abroad, and especially the vigor and ability with which he had served the country, during the recent war, then but just closed, pre-eminently pointed to him as the patriot and sage of the country most entitled to the next Presidency. But notwithstanding all this, during this session of Congress the managing politicians in such matters determined to hold a caucus, to be composed of the Republican members of both Houses of Congress, for the purpose of nominating a candidate for the Presidency. As the time drew nigh for the meeting of the caucus, I was perfectly surprised and astonished to find so many of my political friends and associates in favor of nominating Mr. Crawford, in preference to Mr. Monroe, for the Presidency. I told them I desired to see Mr. Crawford President of the United States, but that it was altogether premature to put him up in opposition to Mr. Monroe, who was known to be the choice of the country. I said that if Mr. Crawford was selected by the caucus, the people would overwhelm such a proceeding with a voice that could not be resisted. Finding me altogether ungovernable by party leaders on the subject, a distinguished friend from Virginia, the Hon. W. A. Burwell, divulged to me the whole secret. The object was, for Mr. Crawford to be nominated in caucus, which would place him in advance of all other aspirants for the Presidency, as successor to Mr. Monroe. Mr. Crawford was known to be a man of too much sagacity to allow his name to be run for the Presidency in opposition to Mr. Monroe, under the then existing state of public feeling and opinion. The gentleman named observed that if Mr. Crawford could only get the caucus nomination, when it was communicated to him, he would of course decline the

honor, in favor of Mr. Monroe, which act of patriotism and unanimity would place him far ahead of Adams, Clay, Calhoun, and all others, as rivals in the succession to Mr. Monroe.

I then gave it as my opinion to all the gentlemen with whom I conversed on this subject, that the course they were pursuing, although not so intended, was of all others the best calculated to destroy Mr. Crawford's future political prospects. That it would have a tendency to unite and combine the influence of all other rivals and aspirants for the Presidency against Mr. Crawford.

He being thus prominently put forth, as a mark, at this time, all others would unite to put him down first, and then scuffle among themselves for the ascendancy. These my opinions were not withheld from Mr. C., but freely and fully communicated to him in person, and he professed to concur with me fully on every important point. I attended the caucus and voted with an open ticket for Mr. Monroe, and he received the nomination by a majority of a few votes only over Mr. Crawford. It has long since been demonstrated that my views on this subject were entirely correct, and if my advice and wishes had been followed, I now believe that Mr. Crawford would have been President of the United States before his death. But what I am here recording taught me some new lessons in political tactics which I shall scarcely forget in this life. Failing in a re-election to Congress, I cherished a spirit of submission to the public voice, which has never failed to console me through all the vicissitudes of political life. I felt strong and confident in the rectitude of my whole conduct in regard to the compensation law passed by Congress, and for which I had been rejected by the people. Moreover, I did not entertain the shadow of a doubt but that "the sober, second thought of the people" would reverse these decisions, and do me ample justice. And it is now a matter of recorded history, in the transactions of the public affairs of Georgia, that the whole delegation, myself included, who were thus censured without a just cause, have, from that time to this, been amongst the most popular men in the state, and have enjoyed the public confidence, with a stability rarely equalled. These circumstances connected with my own history did much to establish and confirm my faith in relying on the people, believing them not only capable of *self government*, but of *wise self government*. For the want of correct informa-

tion, the people are often misled, and commit gross errors. But they are not too proud to correct their own errors, and when their interest requires the correction. The great body of tax paying people are neither office holders nor officeseekers, and will never be the willing tools of selfish demagogues—officeholders, and officeseekers. When the unofficial tax payers see their error in regard to any public matter, they promptly to the right about face, and consider it no degradation of honor to change their opinions upon proper evidence.

Therefore, it is vain for any political trickster to expect to retain the confidence of the people by management and deception. He who wants the confidence and support of the people must serve them, with honesty and fidelity. And in situations of public trust he will often find himself called to the discharge of duties which he can see at the time will subject him to censure, and distrust, until the public can be informed of the whole grounds upon which he acted. But in such cases, let no man's heart fail him—truth is mighty and will prevail. After serving out my Congressional term in 1817 and 1818, I returned to my family and home in Morgan County, to which place I had removed my family, previous to going on to Congress. I had sold my possessions in Oglethorpe County, and procured some fine farming lands in Morgan, with a renewed resolution to abandon public life, and devote my whole energies to my domestic duties, as a private citizen.

My first farming and planting operations in Morgan, the year 1818, was attended with great success—although a year of drought, I made a fine crop, and sold it at very high prices. I was much pleased with my change of residence, and still more so with my change of public for pleasing private employment.

CHAPTER IV.

Without any previous notice—and entirely unsought and unexpected on my part—in the fall of 1818, President Monroe sent me through the Post Office a commission and instructions, as United States Commissioner, to run out and superintend the designating of the treaty lines of the Treaty made with the Creek Indians, at the Creek Agency on Flint River, in January of that year. With reluctance to leave my domestic affairs, after due consideration, I determined to accept the appointment, and immediately proceeded to make the necessary preparations. Having first to notify the Executive of Georgia, as well as the Creek Agent, of my appointment, and request the proper authorities to appoint their respective Commissioners to attend me, in designating and marking the lines according to the Treaty—after having accomplished this business, and reported the same to Washington—I was gratified by being highly complimented by the Secretary of War, for the ability and economy with which I had discharged the troublesome duties committed to my charge. I was liberally compensated for the discharge of those duties; besides I had the satisfaction of gaining a great deal of useful knowledge and information connected with the Indian character and our relations with the Indian tribes generally. Although I had seen and known something of Indians and Indian character from early boyhood, yet I may consider this my first regular schooling, in relation to and study of our Indian relations, and the policies of the states and the United States towards them. And at that time I had no presentiment of the time and labor I was destined to spend in connection with the affairs of this aboriginal race. From that time forward they became a more interesting object of my solicitude.

In February, 1819, a Treaty was entered into at Washington, between J. C. Calhoun, Secretary of War, and the Cherokee Indians, by which a considerable acquisition of land was obtained, and I was again commissioned, and discharged the duties of Commissioner, as herein suggested and pointed out, in regard to the Creek Treaty, and this was my second lesson, with a different tribe of Indians, in

regard to our Indian relations. Toward the close of this year, all my earthly plans were revolutionized by the death of my beloved wife. If I were to make the attempt to exhibit to others my reflections and the state of mind for months after the death of my wife, it would be a failure. I feel that it was a portion of the past too sacred and afflictive for me to dwell upon. Suffice it to say that about one year after the death of my wife I felt that some change in my daily avocations had become necessary to my mind and body, to my usefulness to my family, as well as to society. Under this pressure, I yielded to the desire of the people of Morgan County, and was again elected a member of the Legislature of Georgia. This service in the Legislature extended my acquaintance to the new men of Georgia who had entered on public life since my last association with that body. Moreover, I discovered a strong disposition, on the part of most of the then leading men of Georgia to see me in a more extended and conspicuous sphere of public service. But I am mistaken, if my own private feelings and desires were not all averse to mingling with the strifes of political life. The leading men of what was then called the Clark party were particularly kind and courteous to me, and some of them occasionally ventured to express their feelings of displeasure at my being left out of Congress, by the extraordinary exertions of the leading men of what was called the Crawford party, Gen'l Clark, who was then Governor of Georgia, was exceedingly courteous, respectful and friendly to me; which in some few instances caused members of the other party to manifest some want of cordiality towards me. Up to this time, our state parties in politics had not been defined by a division on principles. All parties in Georgia claimed to belong to the great Republican party of the Union. By this time I had sufficient experience, and knowledge of the political history of parties, and had studied, and heard discussed, by the ablest men of the country, the true meaning of every controverted article of the Federal Constitution, so far as to have settled down firmly and immovably in the doctrines of Jefferson and Madison, as laid down in the Virginia and Kentucky resolutions of 1798 and '9. Moreover, I was now able to discover, that although we had no Federal party in Georgia, that we had many more Federalists than I had heretofore supposed. And further, that while these Federalists, of the old Hamiltonian stamp, were dispersed and scattered

amongst both parties, yet the majority of them were in the Clark ranks. This last fact I regretted, because my personal attachments were every day becoming stronger for this party. They were my most devoted friends, and were more congenial to my Democratic feelings than the other party, who embraced the largest share of the aristocracy of wealth. I was not however entirely satisfied with the political complexion of either of these state parties, and after the close of this session returned to my family, intending to remain in private life. But it was only a few months before I received a commission from the President of the United States, authorizing me to superintend the designating and marking the treaty lines of the Treaty with the Creek Indians, entered into at the Indian Springs, in January, 1821, and to lay out the Indian reservations, therein provided for. About the same time the Governor issued his proclamation, convening an extra session of the Legislature for the purpose of providing for the survey and distributions of the lands embraced in the Treaty referred to. And thus it became necessary for me promptly to resign my seat in the Legislature, or to decline the acceptance of the office of United States Commissioner just tendered to me. Under all the circumstances I considered it my duty to resign my seat in the Legislature, and acted accordingly, and proceeded immediately to the discharge of my duties, under my late commission from Washington, and in due time accomplished my work to the entire satisfaction of the Government, as will appear by the official correspondence of the War Department, which I have still preserved.

This was an interesting and rather hazardous mission, but I do not consider it of sufficient importance to enter upon its details. Although I have advanced something beyond the proper place, I deem it proper, in connection with my public labors herein referred to, to state, that on the 9th of Oct., 1818, I received a commission, authorizing me to run out and plainly mark the line dividing Georgia and Florida, but after I had proceeded to some extent in my preparations to perform that duty, I was instructed to suspend my operations, on account of the apprehended danger of hostile Indians; and various causes intervened to prevent my ever being instructed to discharge that duty afterwards. The circumstances of that duty, however, having been assigned me, and the instructions which accompanied my commission, caused me thoroughly to in-

investigate the subject of that controverted line, and has made it a familiar subject with me ever since.

And I think to the present day it is a matter of some surprise, that such a controversy should still remain suspended, and unsettled.

In this connection, I deem it proper further to state that I had so performed the various duties heretofore assigned me as United States Commissioner as to induce the then administration of the Federal Government to desire to continue my services in connection with the Government in some situation suited to my supposed qualifications. Therefore, upon the acquisition of Florida from Spain, I was informed from an official source in Washington, that in the organization of a Territorial Government for Florida I could have any office in the gift of the Executive of the United States, and was requested to consider the subject, and to communicate to Washington the result of my reflections on the subject.

This circumstance led me to leave home on the 13th of April, 1818, for the purpose of examining portions of Florida, more especially Pensacola, which I had been induced to believe possessed such extraordinary advantages, as a seaport, that it would not only become a commercial rival of Mobile but of New Orleans also. I took my tour, examined portions of Florida, especially Pensacola, considered the whole subject, and resolved not to leave Georgia.

But to return from this digression to the regular chain of my narrative, up to the close of the year 1821. It is proper to state that I had now married my second wife, and I will here add we have had three sons and one daughter. Two of the sons are numbered with the dead, and one son and the daughter still survive, as well as their mother. This change in my domestic affairs, and the particular situation of my family, rendered it imperative on me, as I then conceived, to leave public affairs to the guidance of others, and to devote my best energies to the interest of my family and such social and citizen duties as devolve on men in private life. And to this plan, deliberately formed, I spent several years with great success as a farmer, or planter, with good land, and the necessary labor and other appurtenances, with one important exception—which was the want of health in my family. We were annually and seriously afflicted with bilious fevers, and chronic diseases produced from their effects. Our

afflictions were caused no doubt from our particular location—rich lands, with extensive swamps in the neighborhood, the whole neighborhood of rich lands having been cut down, and brought under cultivation, in the short space of a few years. This was the only place that I ever enjoyed the pleasure and advantages of cultivating a soil, as rich and fertile as I desired; and but for the afflictions suffered in my family and person, I never should have left, for I was pleased and content with the society and situation, as well as the soil.

CHAPTER V.

From the close of the year 1821 to the commencement of the year 1824, I had taken no active part in the politics of the country, although I had kept myself fully informed of all the passing political events of the country, both by reading and some correspondence. The contest now became warm and exciting, upon the approaching Presidential election, who should be the successor of Mr. Monroe. Among the many aspirants, Mr. Monroe, at his second election to the Presidency, had been elected without opposition, and parties had to a considerable extent amalgamated.

It was called the era of good feeling, and Mr. Monroe had treated many distinguished men of the old Federal party with distinguished marks of kindness and confidence. This new state of things, I then thought, and still think, had to a considerable extent influenced some of the measures of his administration into what may be termed a departure from the doctrines of the Republican party, in the days of Jefferson. The candidates for the Presidency finally settled down upon Gen'l Jackson, J. Q. Adams, Wm. H. Crawford, and Henry Clay. I well knew that Mr. Crawford would receive the vote of Georgia, by an overwhelming majority. But I well knew at the same time that the then state of Mr. Crawford's health wholly disqualified him from being able to discharge the duties of that high office. Moreover, I was well advised that the state of his health, if nothing else, would prevent the possibility of his being elected. And further, I was fully satisfied that the vote which would be thrown away on Mr. Crawford would prevent an election by the people, or their electors. I felt confident, that if Mr. C.'s name could be withdrawn from the contest, that Gen'l Jackson would be elected by the people.

At the beginning of the year 1824, I apprehended the result which actually took place in the election of Mr. Adams to the Presidency, by the House of Representatives, when Gen'l Jackson was known to be the choice of the people by a very large majority. Under these circumstances, I exerted all the influence I possessed in favor of

Gen'l Jackson's election, and was a candidate on the Jackson Electoral ticket, before the Legislature, who then elected the Electors in Georgia. I received 45 votes, Mr. Crawford's Electors 90. Therefore my minority was one-third of the state, with which I was well satisfied; under the conviction that I was right, and that it would be admitted everywhere, at no distant day. This contest identified me more fully with the Clark party—who acted with me in the support of Gen'l Jackson—both parties still claiming for themselves the title of True Republican Party, as Jackson and Crawford had both been long identified with that party. In the following year, 1825, the Legislature of Georgia, a majority of whom were Crawford, or at this time more commonly called Troup men, passed a law creating a board of public works, with a view of entering on a systematic plan of public works, by the improvement of our river navigation, and the construction of canals, or railroads, as might be thought most advisable, upon due investigation, and scientific examination. This Board consisted of six members, who were elected by the Legislature.

The Governor was made Ex-Officio President of the Board, and entitled to a voice in all matters which might come before the Board. The Governor was authorized to select and appoint a competent State Engineer, with a salary of \$5,000. The Board were directed immediately after their organization to elect one of their number to accompany the Chief Engineer in making a reconnoissance of the state, with a view to the improvements contemplated, and upon this individual member devolved not only the duty of accompanying the Engineer, but the procuring of the necessary laborers, as chainmen, choppers, &c., together with tents, subsistence, &c.; consequently the responsibility of the whole of the financial disbursements and the comfort of all concerned, to a great degree, depended on this member. The political party with which I was acting, although in a decided minority, were honored by this Legislature by election of three members in that Board. The Governor being President of the Board, gave the contract, as he should have done, to the dominant party. I was one of the individuals elected as a member of this Board, and upon its organization, without ever having exchanged a word with any person whatever on the subject, upon balloting for the individual member who should accompany the State Engineer, &c., to my surprise,

I received six votes out of seven—everyone except my own, which was cast for another gentleman. I felt the full force of the confidence reposed in me, from a source so highly respectable, as well as the great responsibility thus suddenly and unexpectedly placed upon me. But however weighty I felt the task to be, I did not shrink from its undertaking—unprepared as I might be, I resolved to try what I could do. I conferred freely with the other gentlemen of the Board, as well as with the Governor, on every subject which then occurred to me in connection with the duties which lay before me, and gratefully received the kind advice and instructions of the Governor. Although Governor Troup and myself had sometimes differed in regard to both men and measures, I have always esteemed him as a patriot and statesman of the highest order. And this intimate connection with him in public matters of great importance to the State, from first to last, did but confirm my favorable opinion of his stern integrity and high intellectual ability. I deem it unnecessary for me to enter upon the details of my discharge of this important duty, but will mention that while thus engaged in the Indian country (now Cherokee, Georgia), under the instructions of Governor Troup, I visited most of the leading men of the Cherokee people, with a view of inducing and preparing their minds, as far as practicable, for an entire removal from the limits of Georgia, to the west of the Mississippi. And although they were at that time very generally averse to leaving Georgia, I have long since seen the benefits which resulted from my intercourse with these Cherokees at that time. I had for many years felt a deep interest in what was to be the ultimate fate of these people, and this intercourse deepened my interest and solicitude for their welfare, and fixed upon my mind, in an abiding manner, the devising of some practical plan for their removal, as I was well aware that no permanent prosperity awaited them while they remained in their present location. In the course of this year I made the acquaintance, and spent some time at the houses, of Charles Hicks, then principal chief, the Rosses, the Vanns, the Ridges and Boudinot, the Adairs, the Rodgerses, the McNairs, &c., &c. In the course of my labors in this part of the country I received a letter from Governor Troup which is still preserved, and although so highly complimentary to myself, I feel that delicacy does not forbid, my giving a short extract.

The letter invites me, if my strength and other duties will allow, to repair to the point where the Commissioners were then engaged in running out the line between Georgia and Alabama, and render them all the aid in my power, and in the close of the letter he says—"My apology for proposing thus to add to your labors, already great, is, that I know that wherever you are, you will be useful." But anxious as I was to obey this call, other duties that could not be dispensed with utterly forbid my joining the Commissioners as requested. But to return to the subject of my more immediate duties connected with the Board of Internal Improvements. My acquaintance with Mr. Fulton, the gentleman selected as Chief Engineer of the State, afforded me an interesting opportunity of gaining much useful information on the subject in which I had now embarked. He was a Scotchman by birth and education, though he had spent most of his life, (till past the meridian) in England. He had been but a short time in this country, and was rather aristocratic in his feelings, and austere in his manners—he had but little of the suavity of our Democratic *nobles*. However he had seen more, read more, and knew more, upon all the subjects appertaining to his office than the Governor and all the Board put together. I soon discovered that he had found out we were all novices on the subject of our immediate enterprise. However, he knew we were capable of scrutinizing his conduct, and could not very readily be imposed upon. I endeavored to draw from him all the information I could, and my child-like, unassuming manner of doing it was flattering to his vanity, and soon placed me pretty much in the character of a learner or pupil, and gave me free access to what reading he had on the subject, as well as free answers to all my numerous inquiries.

Although the day of rail roads was in the embryo state at this time, the subject had produced a spirit of inquiry, both in England and this country, and although but a few miles of rail road were then known to the world and those destitute of iron, or steam engine—constructed of wood, and propelled by animal force—yet I at that time, after full investigation of the subject, became fully satisfied that even wooden rail roads, with mule and horse power, should be preferred to any canal which could be constructed in middle and upper Georgia. After laborious and instrumental examination of the country, from Millgeville to Chattanooga, it was the opinion of Mr. Fulton

and myself that a rail road could be located to advantage between the two points above named, but that a canal was impracticable. It is a very remarkable fact too, that the route selected by Mr. Fulton and myself, a large portion of it then in an Indian Country, and but little known to civilized men, should in its whole distance have varied so slightly from the location of our present rail roads now in operation. It proves that our examinations were faithful, and our judgments have been sustained by all the qualified persons who have come after us. My opinions were communicated to Governor Troup at this time, and will sustain my foregoing statements on this subject. From that time to this I have looked to rail roads as the great and leading work to promote the best interest of the country, and have upon all fit occasions, whether in private or public life, contributed my best aid to the promotion of the rail road cause. (This year's labor in the public service induced me to believe, that if I had a seat in Congress I could effect something exceedingly important, not only to Georgia, but to the whole Union, on the subject of the Indian policy of the United States. I was rather impressed with the belief that it was my particular mission, instrumentally, to do something to relieve Georgia from the incumbrance of her Indian population, and at the same time benefit the Indians.) Under these circumstances, in the fall of 1826 I became a candidate for Congress, and was elected in October, as a Representative from Georgia, to a seat in the 20th Congress of the United States. I endeavored to make the best use of the intervening year between my election and entering on my official duties at Washington. I reviewed all that I had read and known, connected with the history of Georgia, as well as the Federal Government. I studied as far as I had the means the various subjects of general interest which I was apprised must necessarily engross my attention as a member of the approaching Congress. And to use a commercial term, I was well *posted* on every item connected with our Indian relations. As well as I could, I arranged my private and home affairs, preparatory to entering upon my Congressional duties.

Before, however, I enter upon what transpired at Washington during the first session of the 20th Congress, it is necessary for me to advert to the then existing political complexion of the country in Georgia, as well as the Union. The reader will recollect that in the Presidential

contest for the successor to Mr. Monroe I not only supported Gen'l Jackson in opposition to Mr. Crawford, but that I was a candidate on the Jackson Electoral ticket, and received only one-third of the votes of the state, on that ticket, and that the Crawford Electors received, two-thirds of the votes of the State. But now, at the close of the year 1827, we find Georgia almost unanimous in the support of Jackson for the next President, precisely where I was two years previously, and I was now applauded for what I had then been condemned. The only annoyance which I felt touching this change of public sentiment was to be found in the fact that some of the office-seeking leaders of the old Crawford party were not content with being received as equals into the Jackson ranks, and immediately aspired to the leadership of the old original panel of the Jackson party. Indeed some of the most violent defamers of Gen'l Jackson heretofore, seemed, now that the mind had changed, to consider themselves the original and best Jackson men of the country, and upon all occasions were endeavoring to thrust themselves between Jackson and his old friends who had borne the heat and burthen of the day.

Such conduct made me feel sometimes, "Lord, what is man that thou art mindful of him?" But it is due to these men that the apology for their change should be fairly given. Although they had contributed largely, but indirectly, to the election of John Q. Adams to the Presidency, and thereby effected the defeat of Gen'l Jackson, upon trial they soon discovered that the administration of Mr. Adams would not be sustained in Georgia. Mr. Adams, at every step of his administration, from his inaugural to his farewell address, proved himself to be a genuine Federalist of the old school, his father's own legitimate son, a man "not to be palsied, by the will of his constituents," a consolidationalist at heart—holding in contempt the rights and sovereignty of the states. But for the want of nerve, he was ready to carry out the doctrine of force—brute force — on the sovereign States. His controversy with Governor Troup, of Georgia, upon the subject of the Indian Springs Creek Treaty, and the transactions growing out of that Treaty, had rendered Mr. Adams peculiarly obnoxious to the people of Georgia, for no true hearted Georgian, not blinded by prejudice, whatever might have been his former political associations, could fail to sympathize with Governor Troup in this controversy. He was

contending for the sovereign constitutional rights of the states, against Federal usurpation. And he contended for these rights with an unwavering ability and integrity altogether Roman. After the argument was exhausted, in this controversy, Governor Troup resolved that Georgia "would stand by her arms" rather than yield to oppression. Let it be recorded "that Georgia did." If this Roman spirit had been maintained in Georgia, up to the present day, no fears of the perpetuity of our Federal union would now harrass the timid imaginations of compromising submission politicians and office-seekers. Public men would not dare to yield the birth rights of the people, and say it was the best we could get. No, our controversies should be settled on the principles of Troup and Jackson—ask for nothing but what is right, and submit to nothing wrong.

Previous to going on to Congress in 1827, I had fully matured my own plan of operation in regard to our Indian relations. Our state controversy connected with the Creek Indians had now terminated, by the entire acquisition of the whole of the Creek lands within the limits of the State, and a final adjustment of the subject of all the conflicts with the Federal Government. But the state of affairs was far different, in regard to the Cherokees, who still occupied the whole of the northwestern part of Georgia, which is still known as Cherokee, Ga., embracing some five or six millions of acres of the best lands within the limits of the State. This state of things rendered it obvious to all well informed discerning men, that the resources of Georgia could never be extensively developed by a well devised system of internal improvements, and commercial and social intercourse with other portions of the Union, especially the great West, until this portion of the state was settled by an industrious, enlightened, free-hold population—entitled to, and meriting, all the privileges of citizenship. Moreover, a portion of the Cherokee people, composed mostly of mixed breeds and white bloods, had advanced in all the various arts of civilization to an extent that rendered it altogether impracticable to enforce the Laws of the United States passed by Congress for regulating intercourse with Indian Tribes within the United States, and for governing and restraining such tribes. The Cherokees at this time had their own written and printed Constitution, and code of laws, by which they had declared themselves to be a free and independent state and people, claiming, at the same time,

the guarantees, illegally and imprudently made to them by treaty stipulations on the part of the United States, to protect them in the peaceable and quiet possession of the country now occupied by them, to them and their heirs forever. By this state of things, the Cherokees claimed the right to govern themselves independently of all other governments whatsoever. The government of the United States claimed the right of enforcing her intercourse laws for the government of the Indian Tribes. And Georgia had now extended her criminal laws and jurisdiction over all that portion of the State on which the Cherokees were still located. And the laws of these three different governments, intended to operate and govern the same people, and on the same territory, were in their execution frequently found to be in conflict with each other, and the different governments liable to daily collision—neither yielding to the other the right of exclusive, or superior, jurisdiction. The intercourse laws of the United States prohibited any man from settling in any Indian country, or trading and trafficking in any article whatever, with any Indian, unless, under a special permit, or license, obtained from the legal authority of the United States, as provided for by law. The Cherokee authorities, in total disregard of the authority of the United States—

Resolved, to suffer no man to settle in their limits, and traffic and trade with their people, without first obtaining a permit or license to do so from the Cherokee authorities. The Georgia law extended her criminal jurisdiction, over her Cherokee Territory—

Provided, amongst other things—That every white man residing in the Cherokee part of Georgia should take and subscribe an oath to support the Constitution and laws of the State of Georgia; and in case of neglect, or refusal, to do so, said delinquent or delinquents should be liable to be indicted and convicted for a misdemeanor, and sentenced to confinement in the penitentiary of the state for a term not exceeding seven, and not less than one year. And under this law, seven missionaries were sent to our state prison, and gave rise to the persecution and abuse of Georgia by Northern fanatics—of which I shall have occasion to dwell more at large hereafter. Although I had marked out a course for myself in relation to Indian affairs, I felt it to be my duty, on my arrival at Washington, to seek a conference and consultation with the Georgia delegation, including the Senators from the State, which I

attempted, and in part succeeded in doing.) But I had not proceeded to the entire development of all the views which I entertained on the subject, before I very plainly saw that my worthy colleagues suspected me of a desire to take the lead in a measure which might become popular at home. They said my plan, proposing that Congress should make provisions by law, for procuring a suitable country for the permanent location of all the then remaining remnants of the different tribes of Indians in all the states, would give some strength to the proposition, but they had no idea that the subject would be seriously entertained at that time, or during the administration of Mr. Adams. However, some of them admitted my attempt would do no harm, while others seemed to think it would produce unnecessary excitement. By this courtesy towards my colleagues, I felt relieved from the necessity of further special consultation, and therefore determined to rely on my own judgment, and the help of the Almighty. In the organizations of the committees of the House I was placed on the committee "on Indian Affairs," and on the 13th day of December, 1827, introduced the following resolution: "Resolved, that the Committee on Indian Affairs be instructed to inquire into the expediency of providing, by law, for the removal of the various tribes of Indians who have located within the States or Territories of the United States to some eligible situation, west of the Mississippi River," which resolution was referred accordingly. This was the first attempt ever made by any member of Congress with a view of carrying out the plan of collecting and colonizing the various remnants of Indian tribes still remaining in a number of the states to some suitable location west of the Mississippi River. This incipient step was taken by me with a view to the whole ground connected with our Indian relations.

—First, I admit I had in view relieving my own state from the incumbrance of her Indian population, and, with her, all the other states in like condition. Secondly, I was anxious to better the condition of the Indians, by placing them beyond the jurisdiction and control of the state government, and where the Federal Government might, unmolested by state authority, carry out its benevolent designs of preserving and civilizing the remnant tribes of the original race. Moreover, I wished to place the Indians in a permanent home, where the missionary efforts of all pious and good men—Churches, Christian Associations—

might have a permanent field of labor, to carry out their good designs of Christianizing and civilizing a most interesting heathen people. I even extended my hopes to the day when the Indian people might become an interesting and worthy member of our great confederacy of states.)

I succeeded in imparting my views to a majority of the committee to whom the subject had been referred, so far as to obtain as favorable a report on my resolution as I could have desired, under all the circumstances, at that time.

The committee recommended the appropriation of fifteen thousand dollars, to defray the expenses, and enable three commissioners, to be appointed by the President, to examine and explore the country west of the Mississippi, and to ascertain and report, whether a suitable country could be procured for the purposes set forth in the resolution above referred to. This report, after full discussion, and much opposition, was finally sustained by Congress, and full provision made for carrying it into effect. I am convinced however upon this, as is the case upon almost every difficult, new and complicated measure which comes before Congress: that a great deal more was done, by quiet and unobtrusive efforts, in private circles and intercourse with influential individuals, than was affected by congressional display, long and exciting speeches, &c. I bestowed much labor in conferring freely, first, with my committee, then with the members from those states who had a deep interest in the subject, as well as my own. Indeed much of my time was spent in endeavoring to give success to this measure, while I endeavored faithfully to attend to every duty which devolved on me as a member of Congress; and there were many important measures brought before this Congress.

My observation and experience had taught me, that no one member of Congress could assume to take special charge of more than one important measure at a time, without incurring the imputation of assuming too much. Therefore I often remained silent upon other subjects, even when I desired to take an active part, that I might be more favorably attended to, on this Indian subject. If any should hereafter take the trouble to examine Congressional journals and documents, embracing the time of which I am writing, it will be seen that shortly after I had introduced this subject to the attention of Congress, and it was seen, that its importance was attracting much attention:

That several other members of Congress, in states deeply interested in the subject, as well as one of my colleagues at least, followed in my footsteps, and introduced resolutions embracing the very matter contained in my resolution, and had them referred to the same committee, which served to amuse the committee, as it gave them no additional labor—they were behind time—a few days too late. The stand I had taken upon this subject often brought me into direct personal and corresponding intercourse with many of the best informed men of the country, upon all subjects connected with our Indian relations.

I conferred freely with the officers of the government who had charge of these affairs at Washington. Indian Agents from every quarter sought my acquaintance, and, with few exceptions, embraced and patronized my views, with zeal and energy. And Indian missionaries, and agents of missionary societies, conferred freely with me on the subject. About this time, I made the acquaintance of that zealous and able missionary of the Cross, the Rev. Isaac McCoy, who lived and died, after many years of toil and suffering, zealously engaged in the work of Indian civilization and Christianization. From my first acquaintance with this good man, to the day of his death, I found him an able auxiliary in the cause of Indian reform, &c. The first session of the 20th Congress was brought to a close near the end of May, 1828, and on my return to my home and constituents, I was received with kind and approbatory greetings from my constituents, wherever I met them. There seemed to be a general desire that I should continue to serve them in the next Congress. I therefore became a candidate for re-election to the next Congress, and at the October election following was again elected to Congress, by a highly flattering vote, and in December following was at my post in Washington, prepared to enter on the duties of the 2nd session of the 20th Congress. I was pleased with the tenor and tone of the President's Message on Indian Affairs, as well as the report of the Secretary of War, Governor Barbour, of Virginia, on the same subject. In every important particular, these documents coincided with my own views, and sustained the ground which I had occupied at the previous session. The report of the Commissioners who had been appointed to examine the country west of the Mississippi and ascertain if a suitable country could be obtained for the emigration of all the Indians from the States, was highly favorable in

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every respect, a sufficient and good country could be procured, and on the most reasonable terms. It seemed as if nothing was wanting but immediate legislation to consummate the views of the friends of emigration. But we still found many serious obstacles in the way over and above the zealous opposition of our open and determined opponents, in both Houses of Congress. Many of the members of Congress, from states the most deeply interested in the success of Indian emigration, seemed reluctant to cast their weight and influence into a policy which had originated with others, and in bringing about which they had in no way participated. Although they dared not oppose these measures, many resolutions were introduced, and many inquiries for further information on this subject made, which were calculated, if not designed, to retard and procrastinate efficient legislation on the subject. Moreover, during the recess of Congress, the Northern fanatics, male and female, had gone to work and gotten up thousands of petitions, signed by more than a million, of men, women and children, protesting against the removal of the poor dear Indians, from the states where they were located, to the west of the Mississippi. These petitions often denounced my own beloved Georgia as the headquarters of all that was vile and wicked in her intercourse with Indians; and to finish the picture, in these petitions we were denounced as slaveholders. Books and pamphlets were written and circulated extensively, by Northern ministers, and some missionaries of the Cross, misrepresenting and perverting every fact connected with this Indian subject.

The more civilized portion of the Indians, too, had been put to work, aided by the noble *feed* lawyers, to crush or stay this policy of Indian emigration.

This, moreover, was the short session of Congress, and must necessarily terminate its session on the 4th of March. Under all the circumstances, the friends of emigration found it was not practicable to consummate all the legislation which they desired during this session, and therefore endeavored to obtain such legislation as might hereafter have a favorable bearing on the subject, by providing everything which justice and right demanded in favor of the Indians, and by amending the intercourse laws, &c. I was myself much gratified to find that the number of my able co-operators in this Indian policy was constantly increasing, and enlarging. My support was now altogether

a different thing to what it was when I put this ball in motion. For then, as was said by a certain man, on a different occasion, I stood solitary and alone. (I now perceived that the Indian subject was destined to become the great subject of the day.) And knowing as I did, that Gen'l Jackson would be in the Presidential chair at the next session of Congress, and that his general views coincided with my own on the subject, I felt measurably content to exercise that degree of patience which the circumstances with which we were encompassed seemed to demand. However, no time was to be spent in idleness, nor did I spend any in that way. I availed myself of every opportunity to make myself perfectly familiar with everything which appertained to Indian history in this country. I was not content with tracing the policy which had been preserved by the Federal Government in relation to Indian affairs, from first to last, but I examined thoroughly the policy of all the colonial and state governments towards the Indians. I examined the transactions of the Federal and state governments, when they had either acted in concert, or had come into conflict, in relation to Indian matters. Further, I read and examined writers on the laws of nations, to find all that I could, bearing on the subject, and carefully examined the judicial decisions of our ablest judges, on all subjects where Indians were concerned.

CHAPTER VI.

During the recess between the 20th and 21st Congress, I had full time, and used it faithfully, to mature my views on every important point connected with our Indian relations and policy, and to procure all the detailed information which might become necessary at the next session of Congress, to sustain me in support of the measure which I had resolved to urge upon the action of the next Congress, in favor of Indian emigration. I was fully apprised that the conflict would be severe and hazardous, but at the same time my confidence was strong, based upon the conviction that I was laboring in the cause of humanity, and to promote the best interest of the Indian, as well as the white race. Thus fortified, I took my seat in the 21st Congress, on the 7th of December, 1829, and was again appointed a member of the Committee on Indian Affairs, to which was referred that part of the President's Message, connected with Indian affairs, as well as sundry resolutions and memorials connected with the same subject. And after great labor and research on the part of a portion of said committee, in which I bore a large share, on the 24th of February, 1830, we made an elaborate report to the House, on the subject of Indian affairs, through our chairman Mr. Bell, of Tennessee, accompanied by a bill to provide for the removal of the Indian tribes still remaining within any of the States and Territories, and for their permanent settlement west of the River Mississippi, which bill was read the first and second time, and committed to a Committee of the whole House on the State of the Union. And at the very threshold, the most violent opposition showed itself, to the views embraced in the report of the Committee. Mr. Buchanan, of Pennsylvania, moved the printing of 10,000 copies of the report and Bill, for circulation in the country. The opposition used every effort and stratagem which the rules of the House would permit to suppress the printing and extensive circulation of the report. But after taking the yeas and nays, on the various questions raised, with the intent of defeating the printing and circulation, the motion of Mr. Buchanan was sustained, and the report extensively circulated throughout the country.

It would require a volume to give a fair and full report of all that transpired during this session of Congress in relation to this subject. I cannot attempt such a work as the details of all that was said and done, in and out of Congress, either for or against the measure, while it was pending before Congress.

Suffice it to say the report of the committee was sustained by Congress, and the bill for the emigration of the Indians became the law of the land, against as powerful and formidable opposition as ever has been overcome in Congress upon any great subject which has agitated that body.

Although disposed, from various considerations, to give a pretty full view of the part which I acted in connection with this subject, during this session of Congress, I deem it best and most appropriate for me to pass over much the greatest portion of my labors, in and out of the halls of legislation, and in the committee rooms, and give some of the remarks and speeches made by me on the floor of Congress during the pendency of these Indian questions before that body. I submit them as reported and published at the time in the public journals of the country; and first I will go back to the report of the proceedings of the House of Representatives, of February 20th, 1828.

The unfinished business of the bill making appropriations for the Indian Department was called up, and the question being on the motion made by Mr. Vinton, of Ohio, that no Southern Indians should be removed north of the line of latitude of 36 degrees and 30 minutes, and no Northern south of that line,

Mr. Lumpkin rose and said,

Mr. Chairman: It is always with reluctance that I rise on this floor, to submit any remarks of mine. When I look around and see the intelligence by which I am surrounded, I cannot have the vanity to enter the list of competitors for the eclat or distinction which will be awarded to him who makes the greatest display of words on this floor.

Nor am I disposed to take a part in the discussions of this House, with a view of encouraging the manufacture of congressional speeches. I consider that of speech making one branch of *Domestic Manufacture*, or of the *American System*, if you please, sir, which does not require encouragement or protection. It has already arrived to a maturity which can enter into fair competition with any country whatever, with a fair prospect of success. But, sir,

I stand so connected with this subject, in several points of view, that I cannot shrink from addressing the committee on the present occasion.

The two *very distinguished* gentlemen from Ohio, (Mr. Woods and Mr. Vinton) who have consumed so large a portion of the time of this committee in displaying and exhibiting their opposition to the extinguishment of Indian title to lands, and to the removal of the Indians to some eligible situation west of the River Mississippi, and have introduced such a mass of foreign matter into this discussion, that they will excuse me, in my present state of health, for declining to follow them in all their labored arguments and details upon this subject.

The best refutation which can be presented to all these gentlemen have said upon this important and interesting subject will be found in the fact that they stand opposed to the wisdom, and experience, and benevolence of the whole country. In opposition to all their opinions, doctrines, and reasoning, I will place those of James Monroe, J. C. Calhoun, James Barbour, and a host of others, who are experienced and distinguished statesmen and patriots, and who have long deliberated and reflected upon the subject of our Indian policy and relations. These distinguished individuals have arrived at the same results: that the only hope of saving the remnant tribes of Indians from ruin and extermination was to remove them from their present abodes, and settle them in a permanent abode west of the Mississippi River.

The views of all our Indian Agents, so far as my knowledge extends, coincides with the friends of the emigration plan, and, with very few exceptions, we find the benevolent and pious missionaries, who have long labored for the benefit of this unfortunate race, decidedly in favor of the emigrating plan.

One respectable denomination of Christians have memorialized the present Congress on this subject, and urged with much earnestness and ability the results of their labors and experience, in favor of the emigrating plan; which is the only plan by which the Indians can ever be considered permanently located and settled.

Sir, these opinions of wisdom, experience, and piety, I present as a reply to the voluminous details of the *two distinguished* gentlemen from Ohio, (Mr. Woods and Mr. Vinton). If the committee, or the country, ask for any further reply to the remarks of these gentlemen, I will

refer to the remarks of another gentleman from Ohio, (Mr. McLean) the honorable chairman of the Committee on Indian Affairs. His pertinent and very appropriate remarks must be impressed upon the recollection of every gentleman who was present yesterday when he delivered them.

That gentleman, with all his known vigilance and assiduous attention to the local interest of his immediate constituents, when his duty requires it, enters upon the business of national legislation with a liberal dignity of purpose which embraces the general interest of the whole country. And upon this occasion, the brief view which he took of this subject, and the information which he submitted to this committee, is to my mind sufficient of itself to obliterate all the labors of his two colleagues. Sir, the remarks on this subject, submitted by the Chairman on Indian Affairs, reminded me of the saying of the wise man of antiquity. "*Words fitly spoken are like apples of gold, in pictures of silver.*" Gentlemen deny that the policy of this government is settled in relation to the question of Indian emigration. I am of a different opinion. Mr. Monroe's administration marked out the plan, and recommended its adoption in strong terms.

The present administration has continued to urge upon all fit occasions the views of its predecessors upon this subject. Congress, I admit, have never sanctioned the plan to the full extent which it has been recommended by the Executive Government. Nevertheless, many acts of legislation might be cited which were based on the execution of this plan. Look at the various appropriations of money to extinguish Indian title to lands within the states, and to provide for their removal, and settlement, west of the River Mississippi.

It is true, I am myself in favor of legislating upon a more extended and comprehensive plan upon this subject, and with a view to general legislation upon this subject, at an early day of the present session I introduced a resolution which was adopted, "instructing the Committee on Indian Affairs to inquire into the expediency of providing "by law for the removal of all the remnant tribes of Indians, within the limits of any of the States or Territories "of this Union, to some eligible situation west of the River "Mississippi."

The report of the Committee in answer to this resolution has long since been made to this House, and is alto-

gether favorable to the objects embraced in the resolution. As a member of the Committee on Indian Affairs, I was, however, disposed to go much further than a mere favorable report. I was disposed to make ample provision for carrying into full effect the emigration plan, and did accordingly submit a report and bill to the Committee, in lieu of the report which was made to the House. But the majority of the Committee preferred the report made to the House, and I felt it my duty to acquiesce.

But that the time has arrived when this Government must change its policy in relation to the Indians appears to me so plain, so clear, and self-evident, that I cannot see any reason for delay or hesitation.

From the commencement of this Government, that is, from the adoption of the Constitution of the United States, this Government has assumed and exercised an almost unlimited control over the Indian Tribes settled within our boundaries. It has assumed and exercised the right of legislating for them, in all their most important interests. We have taken the guardianship of them, and treated them as minors, orphans, and persons who were incapable of managing their own estates.

And the exercise of this power has heretofore been recognized as legitimate, and has been acquiesced in by the Indians, by the states, and by foreign nations.

But, sir, the day has already arrived when this state of things cannot longer exist. The inefficient course pursued by this Government, in matters in which one of the states has a deep interest, as well as the Indians, has weakened the confidence of the Indians, as well as the state, in this Government to an extent which has disposed all the parties in interest to look to their own sovereignty for a remedy of the evils under which they are, and have been laboring, "for lo, these many years."

It is known to every gentleman of this Committee that my allusions are directed to the existing state of things, as they now exist between the State of Georgia and the Cherokee Indians and the Government of the United States.

It is a subject, sir, which, after all that has transpired, I can but approach with reluctance, but as one of the representatives of that State, and a member of the Committee on Indian Affairs, duty impels me to use every effort to draw the attention of the present Congress, and of the Nation, to the importance which is necessarily attached to

this subject. I feel it to be my duty to warn this Committee, and the Nation, of the impending evils which must necessarily grow out of an imbecile course on the part of this Government. I deem it to be unnecessary to enter into all the details of the compact, entered into between Georgia and the United States, in the year 1802. The history of that transaction seems at last to be well understood, here and everywhere else. I know the subject is perfectly understood by every member of the Committee on Indian Affairs; and I will avail myself of this opportunity to add, that I have the most entire confidence that every member of that Committee are disposed to do justice to Georgia, as well as to the Cherokee Indians. Indeed, from what we daily hear from members on this floor, I cannot doubt but what the long delayed rights of Georgia upon this subject have gained the attention of the representatives of the people of this nation, and that the cause of *right* and of *justice* will no longer be urged in vain.

In relation to the compact between Georgia and the General Government, entered into in 1802. I will briefly state, in a summary way, that whenever Georgia has urged the fulfilment of this compact, the United States has never denied the debt, but urged the plea of inability—alleging the Indian title would not be extinguished “upon reasonable and peaceable terms.” Upon the other hand, Georgia has alleged, and continues to allege, that the very impediments which lie in the way of extinguishment have been produced by the policy pursued by the United States. But I find, sir, that the feeble state of my health will not admit of my extending my remarks to many important details which I had intended to present to this committee. I will therefore again advert to this actual state of things in relation to the Cherokee Indians at the present time.

The Cherokee Indians, who principally reside within the limits of Georgia, have, in the course of the past year, renewed their often repeated declaration that they will *never, no, never*, relinquish their present possession. They have placed this declaration in a constitutional form, and with all the formality of a sovereign and independent state they have set up for themselves. They not only disregard Georgia and the rights of Georgia, but they actually enacted laws, and execute them, too, which are in direct violation of the laws of the United States. I have the highest authority for making this statement, which I will submit to the Committee.

The Legislature of Georgia, at its last session, have extended the jurisdiction of the criminal laws of that State over the Cherokee country, lying within the limits of Georgia, and have added the country to the former counties of the State of Georgia. And in the state paper of Georgia, printed at the seat of government, (Milledgeville,) I this day see the proclamation of Governor Forsyth, notifying all persons whom it may concern of the provisions of the late act of the Legislature, and requiring obedience and respect to its provisions and execution from citizens and officers of every grade and description.

Now, sir, what must be the result of this anomaly? Of three separate and distinct governments, exercising sovereignty of jurisdiction under conflicting laws, enacted by three separate and distinct legislatures, over the same people, and at the same time, in some cases these three distinct sovereign legislatures have enacted laws upon the same identical subjects, which laws do not harmonize in their provisions. I will give you one or two cases, out of many which actually do exist, and are in daily conflict. The United States laws prohibit the introduction of spirits into the Nation, and if introduced by a citizen it is liable to confiscation, with all his packages of goods, &c., the one-half to the informer, and the other to the United States. The Cherokee laws prohibit the introduction of spirits also, under a fine or penalty of one hundred dollars, and a forfeiture of the spirits, one-half to the informer, the other half to the Treasury of the Cherokee Nation. The laws of Georgia do not prohibit the sale of spirits in large quantities at all. And those who wish to retail procure a license from the County Court for that purpose. Another similar case I will present to the Committee. The United States law prohibits peddling in the Nation, or selling merchandise at any other than the place designated by the agent, and annexes its fines and forfeitures for a violation of the law. The Cherokee law authorizes any citizen to peddle or trade where they please in the Nation, on paying twelve dollars a year to the Treasurer of the Nation, and one dollar to the officer issuing the license. The laws of Georgia admit of no peddling, without first obtaining a license, for which the applicant pays one hundred dollars a year, which entitles him to peddle and vend his goods anywhere within the limits of the state.

This state of things cannot exist; something must be done, and the sooner it is done, the better. It is high time

these unfortunate people should know their destiny plainly and positively. They should know precisely in what relation they do stand to the United States, and in what relation they do stand to the particular states in which they reside. [A state of suspense is the worst of all cruelty that can be exercised towards this noble race of people. If they are to be resigned to the states and the state laws, I call upon this Congress to tell them so. If we determine upon their emigration to the West, the sooner they know it, the better.] That they may send their Calebs and Joshuas to search out and view the promised land, for situated *as they now are, and where they are*, there is no rest for the sole an Indian foot.

Sir, it is with the deepest regret that I have witnessed such ardent exertions to defeat the best and most reasonable plans which can be devised for the salvation of the poor, perishing, and afflicted aborigines of this country.

I have been greatly surprised that any gentleman on this floor should assume a claim for himself, his constituents, or for the section of the Union from whence he comes, a specific right to all that portion of our western wild. Sir, our unlocated territory, which lies out of the limits of the present states, is the equal and joint property of the Union, regardless of the latitude where it may be found. These lands are the property of the Nation, and I wish the most eligible portion of it to become a permanent home and habitation for the oppressed and afflicted sons of *Ishmael*. I trust, sir, we shall hear no more of sectional claims, when we have in view a great national object which must and will be effected.

My debility (occasioned by my late indisposition) is such, that I find my strength and voice fails. Much remains to be said, but I feel unable to proceed further. (Mr. Carson, of North Carolina, proposed to Mr. L. to move for the Committee to rise, report progress, and ask leave to sit again, with a view of affording Mr. L. an opportunity of continuing his remarks.)

Mr. L. thanked him for his kindness, but observed that he would prefer yielding the floor to other gentlemen who wished to take a part in the discussion, and accordingly took his seat.)

Here follows a speech made in May, 1830, reported in the following words:

SPEECH
of the
HON. WILSON LUMPKIN,
of Ga.

In Committee of the Whole House, on the State of the Union, on the Bill Providing for the Removal of the Indians.

Mr. Lumpkin rose and said:

Mr. Chairman: My life has never been free from care and responsibility; but, on no former occasion, have I ever felt more deeply impressed with a sense of that responsibility, *to God and my country*, than I do at the present moment. The obligations which rest on me are common to every member of this House. The great importance which I attach to the decision of this House upon the bill now under consideration, does not arise from any apprehension of material effects being produced in relation to any one of the states who are interested. It is true, your decision will have a strong bearing on their interest; but they have the capacity to some extent to take care of themselves. But to those remnant tribes of Indians whose good we seek, the subject before you is of vital importance. It is a measure of life and death. Pass the bill on your table, and you save them; reject it, and you leave them to perish. Reject this bill, and you thereby encourage delusory hopes in the Indians which their professed friends and allies *well know* will never be realized. The rejection of this bill will encourage and invite the Indians to acts of indiscretion and assumptions which will necessarily bring upon them chastisement and injury, which will be deplored by every friend of virtue and humanity. I therefore call upon you to avoid these evil consequences while you may. Delay is pregnant with great danger to the Indians; what you do, do quickly, before the evil day approaches.

I differ with my friend from Tennessee (Mr. Bell) in regard to Indian civilization. I entertain no doubt that a remnant of these people may be entirely reclaimed from their native savage habits, and be brought to enter into the full enjoyment of all the blessings of civilized society. It appears to me we have too many instances of individual improvement amongst the various native tribes of Amer-

ica to hesitate any longer in determining whether the Indians are susceptible of civilization. Use the proper means, and success will crown your efforts. The means hitherto resorted to by the Government, as well as by individuals, to improve the condition of the Indians, must, from the present state of things, very soon be withheld from these unfortunate people, if they remain in their present abodes, for they will every day be brought into closer contact and conflict with the white population, and this circumstance will diminish the spirit of benevolence and philanthropy towards them which now exists.]

I might exhaust what physical strength I have, in replying to the gentleman from New York (Mr. Storrs). He has consumed much of your time with his usual ability and ingenuity. It would require an entire speech to defend my own State (Georgia) from the many imputations cast upon her by that gentleman and others; I must leave much of this for my colleagues and others who may follow me in this discussion. The gentleman's doctrines upon the subject of state rights ought to be met and refuted; severe censures cast upon our Chief Magistrate, and his subordinates in office, should be corrected as they deserve, and the Executive defended in his wise, virtuous, and candid course on this subject. But I shall leave much of this for others, and only incidentally pay my respects to the gentleman from New York, and proceed directly to the subject under consideration.

The bill on your table involves but little that can be considered *new principle*. The only departure from former principles and practice is to be found in that part which extends greater security and benefits to the Indians.

The whole of my policy and views of legislation upon this subject have been founded in an ardent desire to better the condition of these remnant tribes. At the same time, I freely admit, their interest alone has not guided my action. From the time I became a member of this House, the great object of my solicitude and labor has been, to relieve all the states (especially my own) from the perplexities, heart burnings, conflicts, and strifes, which are connected with this Indian subject.

The ground occupied by the gentleman from Tennessee (Mr. Bell) I shall not again travel over. I never have, nor never will, consume the time of this House by a speech of repetition. Nevertheless, I shall necessarily advert to many of the same points, with a view of corroborating

what has been said by my friend from Tennessee in favor of the bill. As one of the Committee on Indian Affairs, I shall not be diverted from what I consider my duty in defending the measures submitted by the committee, by attempting to follow our opponents in their wide range of irrelevant matter and argument.

I am not only identified with this subject, as a member of the Indian Committee, but as a Representative of the people of Georgia I feel myself bound to defend their rights.

My life has been spent on the border of these Southern Indians; I therefore know much which relates to the history of this subject, from my own personal observation. Upon taking my seat as a member of the 20th Congress, (without delay), I introduced a resolution which brought this subject in all its bearings to the consideration of Congress; and the investigations had upon the subject resulted in providing an appropriation of \$15,000 to defray the expense of preparing for the emigration of the Indians west of the Mississippi.

My friend from Tennessee (Mr. Bell) having given the details of the exploring tour of the Agents of the Government (under this act) who examined the country west of the Mississippi, with a view of ascertaining the quality of the country contemplated for the permanent abode of the Indians, and the report of these Agents, I will only say a suitable and sufficient country was found—a country admirably adapted to the interest and condition of the emigrating Indians. The report of these Commissioners is sustained by the corroborating testimony of many highly respectable persons. That there is a good and sufficient country for all the Indians to emigrate to can no longer be doubted, whatever may be said to the contrary by our opponents.

I will now ask the attention of the committee to the history of Indian emigration.

[So far as my researches afford information on this subject, I will submit the facts. Emigration commenced with the Indians themselves. Their own enterprise (uninfluenced by the Government) led many individuals of the Southern tribes, previous to the year 1808, to remove from the east to the west side of the Mississippi, and there take up their abode. A strong impulse was given to this spirit of emigration by President Jefferson, during his administration.]

What this impulse was, may be seen by reference to a talk of Mr. Jefferson to the Cherokees (Volume of Indian Treaties, page 140) inserted in the preamble of the Cherokee Treaty of 1817, which preamble is in the following words:

“Whereas in the Autumn of the year 1808, a deputation from the upper and lower Cherokee towns, duly authorized by their Nations, went to the City of Washington, the first named to declare to the President of the United States their anxious desire to engage in the pursuits of agriculture and civilized life, in the country they then occupied, and to make known to the President of the United States the impracticability of inducing the nation at large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include all the waters of the Hiwassee River to the upper town; that, by thus contracting their society within narrow limits, they proposed to begin the establishment of fixed laws and a regular government. The deputies from the lower towns to make known their desire to continue the hunter life, and also the scarcity of game where they then lived, and under those circumstances their wish to remove across the Mississippi River, on some vacant lands of the United States.

“And whereas the President of the United States, after maturely considering the petitions of both parties, on the 9th day of January, A. D. 1809, including other subjects, answered those petitioners as follows: ‘The United States, my children, are the friends of both parties, and, as far as can be reasonably asked, they are willing to satisfy the wishes of both. Those who remain, may be assured of our patronage, and aid, and good neighborhood. Those who wish to remove, are permitted to send an exploring party, to reconnoitre the country on the waters of the Arkansas and White rivers, and the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouth of those rivers. The regular districts of the governments of St. Louis are already laid off to the St. Francis.

“When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them and you the exchange of that for a just portion of the country they leave, and to a part of which, proportioned to their numbers, they have a just right. Every aid towards their removal, and what will be

necessary for them then, will then be freely administered to them: and when established in their new settlements, we shall consider them as our children, give them the benefit of exchanging their peltries for what they will want at our factories, and always hold them firmly by the hand.'"

Thus we see a deputation of Cherokees, as early as 1808, visiting this city, anxiously desiring and imploring the aid of President Jefferson to enable them to emigrate and settle in the very country where a great portion of them now resides, and where we have procured a most excellent and ample country for the remainder. Those who have emigrated are delighted with their new homes, and most of their brethren who remain in the States would gladly improve their present condition by joining them; but their lordly chiefs, of the white blood, with their Northern allies, "will not let the people go." Notwithstanding the signs of the times, the hearts of these rulers have been hardened again and again.

These movements on the part of the Cherokees, without urgency or solicitation on the part of the Government, have resulted in the Treaties of 1817 and 1828, providing, as before pointed out, an ample and permanent home for the whole of the Cherokees. Under the provisions of these treaties they have been going, and will continue to go, until not a *real* Indian will be left behind. "Hinder me not," will be their language, when they are permitted to express their own feelings, unawed by the tyrannical enactment of their mixed blooded chiefs.

With the Choctaws and Creeks treaties have also been made, assigning to them countries west of the Arkansas and Mississippi. The Creeks have been flocking to theirs, and it is satisfactorily ascertained that they would all go, if the means contemplated in this bill should be afforded to the Executive. The whole of the Choctaws are not only willing to go, but are actually prepared to go, and have submitted their terms, in the form of a treaty, to the proper department of the Government. The Chickasaws have no country yet provided for them, in the West, but are anxious to emigrate thither, if they can obtain a suitable country.

The Seminoles of Florida are also desirous to join their Creek brethren in the West, if they can obtain land. The Indians of Illinois, Ohio, and Indiana, have been for many years past emigrating, and the cost of their journeys has been paid by the Government, until about two years ago,

when the spirit of emigration so far increased the numbers that the expense became too great to be paid by the means at the disposition of the Executive.

The treaties formed with the various tribes of Indians, providing for their emigration, may be found in the Volume of Treaties, compiled under the order and direction of Mr. Calhoun, while acting as Secretary of War. That with the Choctaws, of October 18th, 1820, page 166; the treaty with the Shawnees, 7th November, 1825, page 361, provides for an exchange of lands with those residing both in Missouri and Ohio; with the Creeks, 24th January, 1826, page 218; with the Weas tribe, August, 1820, page 261; with the Kickapoos, 30th August, 1819, page 265; with the same tribe, 30th July, 1819, page 268.

I have intended to read extracts from all these treaties, but I find that my time and strength both admonish me to be brief. I have therefore given a reference to the book, the treaty, and the page, and every gentleman can read for himself.

I can only say that I am greatly surprised to hear the opponents of the proposed policy, in the face of the records, laws, and treaties of the country, speak of the proposed measure as being *novel*—as being a change of policy in our Indian relations, and as being fraught with danger and ruin to the Indians. I feel assured, if the good people who have been memorializing us through the winter were in possession of the facts which are within the reach of every member of this Committee, they would change their politics and unite with the friends of Indian emigration.

I have heard much complaint that we are progressing in the removal of the Indians, without any systematic plan for their security and government when they get into the possession of their new homes.

This objection comes from our opponents; but I confess I agree with them, to a limited extent. I would, myself, greatly prefer going the whole amount at once.

Nevertheless, I discover that every step we advance in carrying out our plan the more violent is the opposition. The bill on your table, sir, goes much further in providing for, and pointing out the landmarks of an entire and complete system, than any measure heretofore acted upon in Congress, and yet we find opposition increases.

If those who wish to see an entire system presented will refer to Mr. Monroe's Message of the 27th of January, 1825, page 453, Volume of Indian Treaties, and also to Mr.

Calhoun's report accompanying that Message, they will find the great outline of the plan laid down. In that Message, Mr. Monroe says: "Being deeply impressed with the opinion that the removal of the Indian Tribes from the lands which they now occupy within the limits of the several States and Territories to the country lying westward and northward thereof, within our acknowledged boundaries, is of very high importance to our Union, and may be accomplished on conditions and in a manner to promote the interest and happiness of these tribes, the attention of the Government has been long drawn, with great solicitude, to the object. For the removal of the tribes within the limits of the State of Georgia the motive has been peculiarly strong, arising from the compact with that State, whereby the United States are bound to extinguish the Indian title to the lands within it, whenever it may be done peaceably and on reasonable conditions. In the fulfilment of this compact I have thought that the United States should act with a generous spirit; that they should omit nothing which should comport with a liberal construction of the instrument, and likewise be in accordance with the first rights of those tribes. From the view which I have taken of the subject I am satisfied that, in the discharge of these important duties, in regard to both the parties alluded to, the United States will have to encounter no conflicting interests with either. On the contrary, that the removal of the tribes from the territory which they now inhabit, to that which was designated in the Message at the commencement of the session, which would accomplish the object for Georgia, under a well digested plan for their government and civilization, which should be agreeable to themselves, would not only shield them from impending ruin, but promote their welfare and happiness.

"Experience has clearly demonstrated that, in their present state, it is impossible to incorporate them in such masses, in any form whatever, into our system. It has also demonstrated, with equal certainty, that, without a timely anticipation of, and provision against, the dangers to which they are exposed, under causes which it will be difficult, if not impossible to control, their degradation and extermination will be inevitable."

Such were the opinions of President Monroe in 1825, supported by an able report, going into an important detail, appertaining to every branch of the system proposed

by Secretary Calhoun. I will give the following short extract from the report: "There are now in most of the tribes well educated, sober, and reflecting individuals, who are afflicted at the present condition of the Indians, and despondent at their future prospects. Under the operation of existing causes, they behold the certain degradation, misery, and even final annihilation of their race, and no doubt would gladly embrace any arrangement which would promise to elevate them in the scale of civilization, and arrest the destruction which now awaits them."

Mr. Adams, with great force of argument, while President of the United States, sustained these doctrines and opinions. His two Secretaries, Governor Barbour and Gen'l Porter, with great ability, repeatedly enforced the same doctrines and principles to their full extent, which may be seen and read by referring to the State Papers which are on the files of this House, and are always accessible to the members of Congress.

I therefore admonish every gentleman of this committee who may be opposed to this measure to deal fairly with his constituents, and inform them that this is no new measure, emanating from President Jackson and the Georgians, but that it is a measure tested by many years' experience; and that it has received the sanction and support of the wisest and best men of the age.

Jefferson gave to it the first official impulse; Madison, Monroe, Adams, Jackson, Calhoun, Barbour, Porter, Eaton, and a majority of the Senators and Representatives of the people of this great confederation of states have, in their official capacities, repeatedly sustained the principles and policy of the bill on your table. This declaration is fully supported by the talks, treaties, laws, messages, and reports, to which I have already called the attention of the committee. It has not only been devised and sustained by the ablest statesmen of the country, but has received the approbation of a very large portion of the wise and the good throughout our country. Our most enlightened Superintendents and Agents of Indian Affairs have all become converts to Indian emigration; our most pious and candid missionaries have also added their testimony in our favor.

One of the most devoted and pious missionaries (the Rev. Isaac McCoy) with whom I am acquainted has said: "What plan will most likely be successful in accomplishing the reformation of the Indians?" He answers: "Without

ceremony, I offer for consideration the plan recommended to the wisdom of Congress by Mr. Monroe, late President of the United States." The same gentleman says: "We are well aware of some formidable obstacles opposed to the removal of the Indians.

"The obstacles to which we allude will not derive their origin or their support from the Indians themselves, but both will be found in the avarice of white men, near to, and mingling with, the Indians, whose interest it is for the natives to remain where they are, and in their present condition. I deeply regret the necessity of mentioning this circumstance, but justice to my subject, to the Indians, and to my own conscience, demands it of me. We may prepare to encounter a host of opposers, consisting of traders, both licensed and unlicensed, many of them speaking the Indian language fluently, and in habits of daily intercourse with them, often allied by marriage, and otherwise by blood; and from many others who profit more or less by a commission from our Government, for the performance of services in the Indian Department. Remove the Indians and the fountain fails.

"Some estimate of the difficulties arising from this quarter may be found on considering the influence which the number of those interested persons, under their favorable opportunities, may exert on the minds of those ignorant, uninformed people, whose prejudices against us are generally inveterate, and whose jealousies are ever on the alert; considering also, that, in the transacting of business, Government has been under the necessity of availing itself of the services of those very persons. The story requires much delicacy in the telling, and perhaps has never been, nor will it now be plainly told, that scarce a treaty with the Indians occurs in which the Commissioners of the United States are not obliged to shape some part of it to suit the convenience of some of this class of persons."

This same worthy missionary says: "Societies and their missionaries should carefully guard against what we may term *high coloring*. We are naturally fond of telling the more favorable parts of the story, and rather desire the unfavorable parts of the story to sink into oblivion. I could readily point to statements respecting missionary operations which approximate this character too nearly; but I deem it sufficient to mention this general and undoubted fact, viz.: A man in Europe, by reading the whole of our missionary journals, narratives, reports, &c.,

would be apt to suppose the success of our labors was such that the aborigines of our country were rapidly improving their condition, both in respect to Christianity and civilization. How would such an one be disappointed, on visiting these regions, to find that, instead of improvement in general, they are rapidly decreasing in numbers, and perishing under their accumulating misfortunes. Both societies and missionaries are blamable in this thing. The latter claim a pretext from the peculiarities of their situation. The views of the community in general, in relation to the true condition of the Indians, their character, and the character of the missionary labors among them, being erroneous, missionaries find great difficulty in managing those impressions which influence their patrons as well as other people. Few indeed are prepared for that tedious process which is usually unavoidable in the work. If a missionary is not able to state, in a tolerable degree, what would be deemed by his patrons evidence of success, and in a pretty short time too after he has commenced his labors, his supporters are liable to grow impatient, and to imagine the existence of some defect in him or his management."

I ask special attention to the foregoing extracts, as well as to the source from which they are taken. They are the deliberate opinions of one of our most experienced, pious, and persevering missionaries. Yes, sir, this comes from one who is resolved to devote his whole life in sustaining the missionary cause amongst the native Indians of his own country.

Mr. Chairman: Having given an outline of the origin and progress of Indian emigration, and the support and favor which it has received from most of our distinguished statesmen and patriots, I now say, the experiment has been sufficiently tested to induce a large majority of the people of this Union ardently to desire its consummation. If it be inquired how I arrived at this conclusion, I answer, from the best index to public opinion—the *press*. At the present day, the press in our country is resorted to by every class of the community, civil and religious, to disseminate their opinions. The press seems to keep pace with the formation of new societies; and we bid fair to outstrip any people in the world in the number and variety of our societies.

Every new society seems to be resolved to have a *printing press*; and I regret to see so many of these new

societies — *established*, no doubt, from good motives—throwing their support on many occasions into the scales of political demagogues. Men the most profligate often become the dictators of all the influence that these well-meaning people can bring into operation. Well, sir, if the press be the best index of public opinion, the people of this country are with us. I do not mean to be understood that more printing is done on our side than on the side of our opponents. No, sir, they greatly exceed us in quantity; but their printing is confined to a limited circle. I invite your attention to the tone of the press on this subject, in all the different sections and neighborhoods of the whole country. Even in those sections of the Union where we meet with the most violent opposition, the best half of the press, political and religious, is on our side, and I entertain no doubt but the people in these sections give tone to the press. It is true, a combined few, from selfish and political considerations, have been led to great exertions, in the fashionable mode of the day, in getting up opposition to this measure. We have been inundated with memorials, pamphlets, and speeches made at society and town meetings. But, sir, let it be remembered that weak minorities always made the most noise. Contented majorities, conscious of their strength, are never found praying for a redress of grievances.

Suppose, for a moment, that portion of the population of the Union north and east of this place to be equally divided on this question; the entire South and Southwest, with the exception of a few *aliens* to their own interest, are in favor of this measure; and I have no hesitancy in arriving at the conclusion that much the larger portion of the religious community will be found on our side of the question, notwithstanding the denunciations and anathemas which have been pronounced against us. This proceeds from a few leading religionists of the *new concert sect*, or that class of philanthropists who are going up and down in the land seeking whom they may devour. The two widespread denominations, the Baptist and Methodist, with whom I have had an extensive and intimate intercourse through my whole life, I am sure will never lend themselves, in a united manner, as religious bodies, to aid political factions or designing demagogues. No, sir, these denominations were sufficiently tested during the late war. They stood by their country in the field of battle, and breasted the storm of war. They could pray for you in

well-meaning people
men

these persons
Clark's Put
nothing

their closets and pulpits, without the fear of incurring Divine displeasure.

One of these denominations (I mean the Baptists) have through their organs, the officers of their religious Boards, Conventions, and Associations, for years past, at every session of Congress, reminded you of the interest they feel and the labors they have bestowed towards the great object of Indian civilization. Moreover, they have expressed their convictions that your emigration plan afforded the best and most permanent prospect for success of their missionary efforts. Sir, no religious denomination in this country, as such, will be found unitedly giving themselves up into the hands of political men to aid in the objects of political faction. It would be too tedious to name all the various sects of our country; but, having named one or two, I avail myself of this opportunity of saying I have great respect for most of the denominations in our country, and have no unfriendly feelings to any. I wish them all prosperity in all their attempts to benefit mankind.

Our good and worthy Quaker friends, who have been memorializing us on this subject, will all come right, as soon as their misapprehensions are corrected. When they ascertain that Georgia and President Jackson are by no means the advocates of *war, famine, and pestilence*, they will take us by the hand, and join us in advancing measures of kindness, benevolence, and good will towards the Indians. Sir, I am not afraid to trust the Quakers. The religious people of this country are in the full enjoyment of religious liberty. It is all that the truly pious want. They want no "Christian party in politics." I profess to admire that active spirit of Christian benevolence which has done so much for our common country in the cause of letters and morality. That religion which carries its saving influence into families, congregations, and society in general, adorns its professors.

The religious opposition to this measure is not confined to any particular sect, unless we give a *new name* to a religious party in politics—a party which has some recruits from many, if not all the different sects of the country. It is this new sect of *Concert Brethren*, against whom I direct my censures. These *canting fanatics* have placed themselves upon this Indian question behind the bulwarks of religion and console themselves with the belief that the Georgians, whom they have denounced as *Atheists, Deists*,

Infidels, and Sabbath-breakers, laboring under the curse of slavery, will never be able to dislodge them from their strong position. Sir, I therefore feel that I stand pledged in duty to my constituents to show to this House, and to the world, that these intermeddlers and disturbers of the peace and harmony of society have no just claims to the protection of that impenetrable fortress in which they have hitherto found refuge and protection. I rely with entire confidence upon those who carry the keys of this fortress; they will deliver up the guilty to be dealt with according to law and justice. "By their fruit ye shall know them."

Sir, before I pursue the course of the opposition any further, I will remark that I have so far confined myself principally to that part of the subject which relates to the interest of the Indians; but there are other interests which are entitled to a share of your considerations. The State of Georgia, one of whose Representatives I am, has, from my infancy till this day, been struggling with perplexing difficulties, strifes, and heart-burnings, upon the subject of her Indian relations.

[Yes, sir, amongst my earliest recollections are the walls of an old fort, which gave protection to the women and children from the tomahawk and scalping knife of the Indians. And let me inform you that, while the Indians have receded thousands of miles before the civilized population, in other sections of the Union, the frontier of Georgia has comparatively remained stationary.]

My present residence is not more than one day's travel from the place of the old fort to which I alluded. It is but part of a day's travel from my residence to the line of the Cherokee country.

In entering upon this branch of my subject, I find it necessary to summon up all the powers of philosophy to restrain feelings of indignation and contempt for those who are at this time straining every nerve and using every effort to perpetuate on the people whom I represent the evils which they have borne for so many years; and, whatever has or may be said of this Union, would have submitted, with equal patriotism, to the many ills and wrongs which we have received at the hands of those who were bound by the strongest human obligations to aid in relieving us from Indian perplexities, give us justice, and assist in the advancement of our peace, happiness, and prosperity.

Georgia, sir, is one of the good old thirteen States; she entered the Union upon an equal footing with any of her

sisters. She claims no superiority, but contends for equality. That sovereignty which she concedes to all the rest, and would at any time unite with them in defending from all encroachment, she will maintain for herself. Our social compact, upon which we stand as a state, gives you the metes and bounds of our sovereignty; and within the limits therein defined and pointed out our state authorities claim entire and complete jurisdiction over soil and population, regardless of complexion.

The boundaries of Georgia have been defined, recognized, and admitted, by circumstances of a peculiar kind: Her litigations in relation to boundary and title to her soil may justly be considered as having been settled "according to law." Her boundaries are not only admitted by her sister states, but by this General Government, and every individual who administered any part of it, Executive or Legislative, must recollect that the faith of this Government has stood pledged for twenty-eight years past to relieve Georgia from the embarrassment of Indian population. It is known to every member of this Congress that this pledge was no gratuity to Georgia. No, sir, it was for and in consideration of the two entire states of Alabama and Mississippi.

I feel disposed to pity those who make the weak and false plea of inability, founded on the words "*reasonable and peaceable*," whenever I hear it made.

Such pettifogging quibbles deserve the contempt of a statesman. No man is fit to be a Congressman who does not know that the General Government might many years ago, upon both reasonable and peaceable terms, have removed every Indian from Georgia.

But, sir, upon this subject this Government has been wanting in good faith to Georgia. It has, by its own acts and policy, forced the Indians to remain in Georgia, by the purchase of their lands in the adjoining states, and by holding out to the Indians strong inducements to remain where they are, by the expenditure of vast sums of money, spent in changing the habits of the savage for those of civilized life. All this was in itself right and proper; it has my hearty approbation; but it should not have been done at the expense of Georgia. The Government, long after it was bound to extinguish the title of the Indians to all the lands in Georgia, has actually forced the Cherokees from their lands in other states, settled them upon Georgia lands, and aided in furnishing the means to create the Cherokee aristocracy.

Sir, I blame not the Indians; I commiserate their case. I have considerable acquaintance with the Cherokees, and amongst them I have seen much to admire.¹ To me, they are in many respects an interesting people. If the wicked influence of designing men, veiled in the garb of philanthropy and Christian benevolence, should excite the Cherokees to a course that will end in their speedy destruction, I now call upon this Congress, and the whole American people, not to charge the Georgians with this sin; but let it be remembered that it is the fruit of *cant and fanaticism*,[✓] emanating from the land of steady habits; from the boasted progeny of the Pilgrims and Puritans.

Sir, my State stands charged before this House, before the Nation, and before the whole world, with cruelty and oppression towards the Indian. I deny the charge, and demand proof from those who made it.

I have labored, as one of your Committee, day and night, in examining everything which has any connection with the history of this subject. Amongst other duties, we have examined all the various laws of the colonial and state governments in relation to the Indians. The selection made and submitted has long since been in the hands of every gentleman of this House. Let the laws of other states be compared with those which are the subject of complaint, and it must then be admitted by every candid man that the states complained of stand pre-eminent in humanity, mildness, and generosity towards the Indians.

Georgia, it is true, has slaves; but she did not make them such: she found them upon her hands when she became a sovereign state. She never has, by her legislation, changed the state of freedom to slavery. If she has ever owned an Indian slave, it has never come to my knowledge; but more than one of the other states of this Union have not only reduced Indians to a state of slavery, but have treated them as brutes, destitute of any human rights—depriving them of their own modes of worshipping Deity—hunting them as wild beasts for slaughter—holding out rewards for their scalps, and even giving premiums for the raising of a certain breed of dogs, called bloodhounds, to hunt savages, that they might procure their scalps, and obtain the reward offered by Government for them. Sir, compare this legislation with that of Georgia, and let the guilty be put to shame.)

Should I be censured for going to the history of past times—a century or two back; should I be accused of visit-

✓
 the general
 correspondence
 Mr. Cochrane's

ing the sins of the fathers on the children, permit me to say I hold in my hand a pamphlet, recently published in Boston, and said to have been written by the chief secretary of the new sect, who is also said to be the author of "William Penn;" and those who will read this pamphlet, written at the present day, will perceive a more savage, superstitious, and diabolical spirit than was ever possessed by the authors of the *pow-wow, scalping, slave, and dog laws*.

I will give you a few extracts from this pamphlet, which purports to be an article copied from the American Monthly Magazine, Page 14.

"The Indians had better stand to their arms and be exterminated than march further onwards to the Pacific, in the faith that the coming tide of civilized population will not sweep them forever till they mingle in its depths. Better thus than remain to be trampled as the serfs of Georgia, to have their faces ground by the pride and oppressions of their slave-holding neighbors, to be exterminated by the more powerful, and not less sure, tho' slower operation of the vices of the white. God forbid that the prayers which have ascended for the Indians, and the exertions which may be made in their behalf, should fail; it would be better that half the states of the Union were annihilated, and the remnant left powerful in holiness, strong in the prevalence of virtue, than that the whole nation should be stained with guilt, and sooner or later disorganized by the self-destroying energies of wickedness. We would rather have a civil war, were there no other alternative, than avoid it by taking shelter in crime; for besides that, in our faith, it would be better for the universe to be annihilated than for one jot or tittle of the law to be broken, we know that such a shelter would only prove the prison house of vengeance and despair.

"We would take up arms for the Indians, in such a war, with as much confidence of our duty as we would stand with our bayonets on the shores of the Atlantic, to repel the assaults of the most barbarous invader. Perhaps we do wrong to make even the supposition; for it can never come to this. But let anything come upon us rather than the stain and curse of such perfidy as has been contemplated.

"Let the vials of God's wrath be poured out in plague, and storm, and desolation; let our navies be scattered to the four winds of Heaven; let our corn be blasted in the

Jeremiah
Exerts

fields; let our first born be consumed with the stroke of the pestilence; let us be visited with earthquakes, and given as a prey to the devouring fire; but let us not be left to commit so great an outrage on the laws of nations and of God; let us not be abandoned to the degradation of national perjury, and, as its certain consequence, to some signal addition of national woe. Let us listen to the warning voice which comes to us from the destruction of Israel."

The pamphlet from which I have read contains 72 pages, and is interspersed throughout with a spirit corresponding with what I have read. Sir, shall I express my surprise at this "Christian party in politics" who condemn all their brethren who will not unite with them in all their machinery of societies and schemes for governing public opinion in this land of freedom; or shall I remember that if the wicked one himself can assume the form of an angel of light, to deceive and effect his diabolical purposes, then we need not be surprised to see the children walking in the footsteps of their parents? The fallacious matter contained in this pamphlet and its senior brother, "William Penn," we shall find to be strong ground relied upon here. Our opponents here will be found in close union with these *concert brethren*. And here it is, sir, for the first time, we find anything like a tangible form in the opposition to Indian emigration, sustained and encouraged as it has been by every administration, from President Jefferson to Mr. Adams inclusive; we have never before seen a concerted and united opposition, nor has any individual who had any pretensions to the first honors of the country heretofore ventured to oppose this system.

In the course of the last year, the numbers over the signature of "William Penn" appeared in the National Intelligencer, and, although said to be written by a very pious man, deeply merged in missionary efforts, they evidently have much more of the character of the politician and lawyer than that of an humble missionary. At the proper moment for effect, too, we see the distinguished orator of the West, he who filled the chair which you now occupy, entering upon this subject with his usual zeal and ingenuity. This Indian subject was introduced into one of his set speeches, professedly on the subject of African colonization. But the two subjects are adroitly blended together, and were designed as a cutting philippic upon President Jackson and his administration, and, at the same time, admirably calculated to organize his political co-

workers in every part of the Union. I was not surprised at his expressions of deep feelings of interest for the suffering sons of Africa and the forest. It was to be expected from a popular speech-maker. But I confess the pious part of the address shocked my better feelings. If I had been ignorant of the gentleman's character I should really have considered him a preacher of righteousness, deeply imbued with the spirit of the age!

Where do you find one solitary opponent of President Jackson in favor of the measure on your table? I do not know one. Sir, I have tried to prevent party considerations from operating on this question; but our opponents are an organized band; they go in a solid column. The friends of the administration are by no means united upon many subjects of general policy; each one thinks and acts for himself; but shall our differences upon other subjects operate upon our judgments in making up an opinion upon this important subject? Your attention has been called to it in the forcible language of truth, by your venerable Chief Magistrate. It is sustained by reason, experience, humanity, and every consideration of wise policy. It is a measure of great importance to the interest, peace, and harmony of many of the states; and to the poor afflicted and perishing Indians it is a measure of salvation. No man living entertains kinder feelings to the Indians than Andrew Jackson. If any President of the United States has deserved the appellation of *friend and father* to the Indians, it is he who is now at the helm. Having been the instrument of the Government to chastise them in times that are gone by, so far as to bring them to a knowledge of their true condition and duty, he is the better qualified to sympathize with them in all their afflictions. He not only is, but has long been, their true friend and benefactor. This opposition is not to the policy proposed, but to the man who recommends. I therefore trust his friends will not be found in the ranks of the enemy. I trust in God more are they who are for us than those who are against us. The opposition reminds me of Jonah's gourd which sprung up in a night and perished in a day. It could bear the light and heat of but a single day, because there was a canker at the root. The present opposition cannot stand before the light of truth, reason, and sound policy—it will soon pass away.

Upon this question our political opponents have availed themselves of the aid of enthusiastic religionists,

to pull down the administration of President Jackson. Sir, pure religion will aid and strengthen any cause; but the undefiled religion of the Cross is a separate and distinct thing in its nature and principles from the noisy cant of the pretenders who have cost this Government, since the commencement of the present session of Congress, considerably upwards of \$100,000 by their various intermeddlings with the political concerns of the country. Who compose this "Christian party in politics," here and elsewhere? Are they those individuals who are most distinguished for morality and virtue? I will leave these questions to be answered by others, and pass on to some further notice of the Boston pamphlet from which we shall, no doubt, have many quotations before we get through this discussion.

It is the statements found in these pamphlets and magazines which are relied on as truth that have induced so many worthy people at a distance to espouse the cause of Indian sovereignty as assumed by the Cherokees. The general condition of the Cherokees in these publications is represented as being quite as comfortable and prosperous—yes, sir, and as enlightened, too, as the white population in most of the states. Compare the pictures drawn by these pamphlet writers and memorialists of the *concert school*, in which they have painted Georgia on the one side and the Cherokee sovereignty on the other. From these publications not only the stranger in a foreign land but the honest laboring people of New England, who stay at home and would mind their own business if let alone by *these canting fanatics*, verily believe that the Georgians are the worst of all savages; that they can neither read nor write; that they are infidels, deists, and atheists; and they never hear a Gospel sermon except from a New England missionary. Upon the other hand they are taught to believe that the Cherokee Indians are the most prosperous, enlightened, and religious nation of people on earth—except, indeed, the nation of New England. These Boston writers are not a people who work for nothing and find themselves. No, sir, I entertain no doubt but that they are well paid for all "their labors of love" in the cause of Cherokee sovereignty.

The Cherokees receive large annuities from this Government; they have a rich treasury, and their Northern allies understand giving a saving direction to their financial disbursements. These Northern intruders are numerous

and influential amongst the Cherokees. One religious Board to the North (of whom "William Penn" is chief secretary) furnished the Southern tribes of Indians with upwards of twenty stationary missionaries, besides superintendents, mechanics, &c., &c., chiefly composed of our Northern friends. No doubt, Sir, but President Ross himself, with all his official subordinates, has long since found it expedient to yield the chief control of the *purse* and the *press*, which you know are said to be the strength of nations, to his more skilful and eagle-eyed friends and allies. But for these annuities we should not have been encumbered, throughout the session, with memorials from Maine to Steubenville, in Ohio. These self-enlisted reporters of the state and condition of the Cherokee Indians tell you they are already a civilized and Christianized people.

Abounding in the necessary comforts of domestic and agricultural life, their civil, political, and religious advancement is ostentatiously compared with the whites in some of the States; and for proof of their statements they refer you to their hireling letter writers, and their magazines and newspapers; and the statements drawn from these sources are relied on by a certain portion of the community, in and out of this House, in preference to any testimony, whatever may be the merit of the source from which it emanates. Now, sir, I will tell you how far these statements are to be relied upon. I have carefully and repeatedly examined all these magazine and pamphlet publications. They contain a great deal of truth, but *not the whole truth, and nothing else but the truth*. These publications remind me of a long exploring tour which I made in the West, near twenty years ago. On my return home my friends and neighbors called in to hear the news from the Western country. I described to them the rich and fertile lands of the Mississippi, its bountiful productions, &c., and before I got through with the good things, they said, "it is enough; let us all remove to the good country."

But when I told them of the evil things, and gave them the *whole truth*, they changed their hasty opinions, and concluded it would be best to remain in their beloved Georgia. Sir, the application of this story is easy—every gentleman can make it for himself. But I promised to inform you how far these magazine statements were entitled to credit; but, before I begin, I will refer you to my list of witnesses. They may be found amongst the Sena-

tors and Representatives of the present Congress from the states bordering on the Cherokee country. I could multiply testimony to bear me out in all that I have or shall say on this subject; but, in law, we consider every word established by the corroborative testimony of two or three witnesses. I admit we do find in the Cherokee country many families enjoying all the common comforts of civil and domestic life, and possessing the necessary means to secure these enjoyments. Moreover, we find a number of schools and houses built for religious worship. Many of these comfortable families, too, are composed of natives born in the Cherokee country. But the principle part of these enjoyments are confined to the blood of the white man, either in whole or in part. But few, very few, of the real Indians participate largely in these blessings. A large portion of the full-blooded Cherokees still remain a poor degraded race of human beings. As to the proportion that are comfortable, or otherwise, I cannot speak from my own personal knowledge with any degree of certainty; but from what I have seen, I can readily conclude that but a very small portion of the real Indians are in a state of improvement, whilst their lords and rulers are white men, and descendants of white men, enjoying the fat of the land, and enjoying exclusively the Government annuities upon which they foster, feed, and clothe the most violent and dangerous enemies of our civil institutions.

Whilst the smallest intrusion (as it is called) by the frontier citizens of Georgia on the lands occupied by the Cherokees excites the fiery indignation of the fanatics, from one end of the *chain of concert and coalition* to the other, do we not find an annual increase of intruders, from these philanthropic ranks, flocking in upon the poor Cherokees, like the caterpillars and locusts of Egypt, leaving a barren waste behind them? Yes, sir, these are the intruders who devour the substance which of right belongs to the poor, perishing part of the Cherokees.

They divide the spoil with the Cherokee rulers, and leave the common Indians to struggle with want and misery, without hope of bettering their condition by any change but that of joining their brethren West of the Mississippi.

The inhumanity of Georgia, so much complained of, is nothing more nor less than the extension of her laws and jurisdiction over this mingled and misguided population who are found within her acknowledged limits.

And what, I would ask, is to be found in all this that is so very alarming? Sir, I have endeavored to tear the mask from this subject, that the character and complexion of this opposition might be seen and known. The absolute rulers of the Cherokee country, like other men, love office, distinction, and power.

They are enjoying great and peculiar benefits. They do not like the idea of becoming private citizens. It is with great reluctance they yield up their stewardship. They know they have not been faithful to the interest of the poor degraded Indians. They know the great mass of their people have been left to suffer in want and ignorance, whilst they have spent their substance in forming foreign alliances with an enthusiastic, selfish and money loving people. These men, when incorporated into the political family of Georgia, cannot calculate on becoming at once the Randolphs of the State. And if they join the Western Cherokees they cannot carry with them their present assumed sovereignty and rule.

They will there find equals in many of their pioneer brethren. The Cadmus of the Cherokees, George Guess, and many others, are already there. Yes, sir, these Western Cherokees are in the full enjoyment of all the blessings of their emigrating enterprise, and there is but one opinion among them in regard to their relative comfort and prospect of future blessings. All the various emigrants to the West so far agree as to authorize the assurance that no inducement could be offered to them strong enough to bring them back again.

The Cherokees and Creeks are charmed with their country, and to the many things which attach to their comfort in it. The New England farmers who have emigrated to the fertile valleys of the West would as soon consent to return to the barren sand and sterile rocks of their native land as a Western Cherokee or Creek would return to the sepulchre of his forefathers.

Pages may be filled with the sublimated *cant* of the day, and in wailing over the departure of the Cherokees from the *bones* of their forefathers. But if the heads of these pretended mourners were waters, and their eyes were a fountain of tears, and they were to spend days and years in weeping over the departure of the Cherokees from Georgia, yet they will go. The tide of emigration, with the Indians as well as the whites, directs its course westwardly.

I am apprised, sir, that principles of natural law and abstract justice have been appealed to, for the purpose of sustaining the pretensions of the Cherokee Indians. Whatever doctrines may have been advanced by theoretical writers upon this subject, the practical comment of all nations will sustain the doctrines contained in the Message of President Jackson at the commencement of the present session of Congress, which reads as follows:

"The condition and ulterior destiny of the Indian Tribes within the limits of some of our states have become objects of much interest and importance. It has long been the policy of the Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon this subject, the Government has constantly defeated its own policy; and the Indians, in general, receding further and further to the West, have retained their savage habits. A portion, however, of the Southern tribes have mingled much with the whites, and made some progress in the art of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

"Under these circumstances, the question presented was, whether the General Government had a right to sustain those people in their pretensions? The Constitution declares that 'no new state shall be formed or erected within the jurisdiction of any other state,' without the consent of its Legislature. If the General Government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there.

"Georgia became a member of the confederacy which eventuated in our Federal Union, as a sovereign state, always asserting her claim to certain limits, which having

been originally defined in her colonial charter, and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802.

“Alabama was admitted into the Union on the same footing with the original states, with boundaries which were prescribed by Congress. There is no constitutional, conventional or legal provision which allows them less power over the Indians within their borders than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their state? And unless they did, would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed, would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed; and that it has become a part of its duty to aid in destroying the states which it was established to protect.

“Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those states.

“Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain, until some of the tribes have become extinct, and others have but remnants to preserve, for awhile, their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay, the fate of the Mohegan, the

Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the states does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to exclude them and their territory within the bounds of new states whose limits they could not control.

"That step cannot be retraced. A state cannot be dismembered by Congress, or restricted in the exercise of her Constitutional power. But the people of those states, and of every state, actuated by feelings of justice and regard for our national honor, submit to you the interesting question whether something cannot be done, consistently with the rights of the states, to preserve this much injured race?

"As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any state or territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it; each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyments of Governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.

"This emigration should be voluntary; for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the states they must be subject to their laws. In return for their obedience, as individuals, they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry.

"But it seems to me visionary to suppose that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or

passed them in the chase. Submitting to the laws of the states, and receiving like other citizens protection in their persons and property, they will, ere long, become merged in the mass of our population."

Mr. Chairman, the extract from President Jackson's Message, just read, is an unanswerable speech in favor of the entire measure on your table. Moreover, short as it is, it contains an irrefutable argument against everything which can be devised by the ingenuity of our opponents upon this subject. They may theorize upon the subject as to what ought and what might have been done in relation to the Indians; they may calmly look on and advise those who are in pain to be easy and quiet; they may give lectures upon morality, humanity, and benevolence, by an imaginary state of things which does not exist; but the President of the United States, with his usual practical good sense, takes up the subject as it actually exists, points out the course which should be pursued as best calculated to benefit the Indians, as well as the states, and tells you plainly no other alternative is left that will not terminate in the destruction of the Indians, as well as the rights and sovereignty of the states. Yes, sir, good and evil are placed before you. The only hope of the salvation of the Indians is in your hands. Their destiny is suspended on a single thread. God forbid that I should ever be so far infatuated by party prejudice for or against any man, or set of men, as to be induced to use my influence to destroy the remnant of the sons of the forest, or jeopardize the best interests, the peace, harmony, and prosperity of any of the States or Territories of this Union. Sir, I never shall enter the partizan list to such an extent. I love my friends, but I love my country more. It gives me pain to be under the necessity of making the allusions which I have done to individuals, societies, and sections of our country. I would gladly have avoided it, and nothing but a sense of duty could have influenced me to expose the opposition to this measure as I have done. I hope, however, that the spirit and intention of my remarks will not be misconstrued. I entertain no hostile or unfriendly feelings toward any human being. Everything that deserves approbation or admiration, in every section of my whole country, is dear to my heart. I have not travelled out of the path of my duty to commence attacks on any individual or community, but, without intimidation, I have acted on the defensive. This, sir, was due to my constituents as well as myself.

Having said so much in regard to the President's Message, I will return to the elementary writers upon natural law, but shall give no quotations from, or comment upon what or on what they have not written. I merely refer to them for the purpose of saying I think a fair, practical comment upon those laws, so far as they relate to the subject under consideration, may be found in the history of the Colonial, State, and General Governments of this country. If this proposition be admitted, it is visionary to suppose that the Indian claims can be sustained to large tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase.

In all the acts, first by the Colonies, and afterwards by the State Governments, the fundamental principles, that the Indians had no right either to the soil or sovereignty of the countries they occupied has never been abandoned, either expressly or by implication. The rigor of the rule for excluding savages from the soil, to make room for agriculturalists, has been mitigated, the earth being intended for the benefit of all mankind. The Indians are secured in a sufficient quantity of the lands they occupy for every useful agricultural purpose. Hence we find reservations made to the Indians in most of the old states, as well as the Federal Government. It is believed that no respectable jurist would risk his reputation that a right to land could be maintained before any of our Courts, State or Federal, when the title has been derived from Indians, unless the land has been granted or patented by the Federal or State Governments.

The practice of buying Indian lands is nothing more than the substitute of humanity and benevolence, and has been resorted to in preference to the sword, as the best means for agricultural and civilized communities entering into the enjoyment of their natural and just right to the benefits of the earth, evidently designed by *Him* who formed it for purposes more useful than Indian hunting grounds.

When the Indians in a colony or state were numerous, powerful and warlike, it has been the practice of all to conciliate them by entering into condescending compacts and treaties, and thus effect by prudence what they were unable to perform by force. By all the old states, except Georgia, this kind of treaty legislation has long since been

abandoned, and direct legislation for the control and government of the Indians substituted in lieu thereof. The opinion of the Supreme Court, referred to by my friend (Mr. Bell) from Tennessee, I believe is considered and received as orthodox by every state in the Union, in which the distinguished and learned Judge Spencer, (now a member of the H. Reps.) declared "that he knew of no half way doctrine on this subject." If a state has jurisdiction at all, it has complete and entire jurisdiction. The principal upon which jurisdiction is assumed does not admit of division.

Sir, much has been said and written with a view of maintaining the doctrine of Indian sovereignty, and I admit many of the acts of the General and State Governments may be selected, apart from their general policy, which would seem to afford support to this position. Yet, when we take the whole policy and history of these Governments as exhibiting an entire system, it must be admitted they have never hesitated to extend their sovereignty over the Indians in their respective spheres, when it was deemed expedient to bring them under their laws and jurisdiction; unless, indeed, we find this hesitancy in the absence of physical power.

Here I will remark, Mr. Chairman, that the only reason why any state in this Union has permitted the interference, or sought the aid of the General Government to take any part in the management and control of the Indian Tribes residing within their respective boundaries, has been on account of their physical weakness, and they have, therefore, looked to this Government for that aid and succor, to afford which it was established by the several states of this Union. Yes, sir, this Government was formed to protect, and not to destroy, the State Governments. In all the states we find, so soon as the Indians were reduced to a condition that no danger was to be apprehended from their power and hostility, the states have invariably taken their Indian affairs into their own hands, and no longer looked to the Federal arm for aid.

Upon every branch of this subject it is necessary constantly to keep in view the distinction between privileges and communities. The states have privileged the General Government to assume the management of very important matters connected with their Indian relations. Yes, sir, the aid of this Government has often been sought in those matters; nevertheless, while the states thus sought and

assented to this exercise of power on the part of the General Government, it was from motives of prudent policy and interest. No state of the Union ever saw the time that they would have yielded to this exercise of power, when claimed as a right, and attempted to be enforced contrary to the wishes of the state. It is the same case in regard to the Indians residing in a state. They are privileged, in very many respects, far beyond their rights or immunities. While the population of a state is small, and its territory extensive, large tracts of country are permitted to remain for the use and privilege of the Indians, to hunt and roam from place to place. They are also left to regulate their own affairs according to their own customs, without any interference on the part of the state. But when this state of things becomes changed, as it now has in Georgia, the State is of necessity compelled to assert and maintain her rights of sovereignty and jurisdiction.

If the question of the right of Georgia to unqualified jurisdiction within her own limits is considered as forming any part of the subject under consideration, by implication or otherwise, I think I may, with great confidence, look to this House for a just decision. But should I be disappointed in an American Congress, I will then appeal to the people and States of the Union. Congress have sometimes failed to obey the will of their constituents, and they may do so upon the present occasion. If they do, I look to the unofficial sovereign people to apply the proper remedy.

Mr. Chairman, my physical strength admonishes me to draw to a close, and but for the peculiar situation in which I stand related to the subject, and the more forcible consideration that the character of Georgia should be vindicated and exculpated from the many aspersions and calumnies cast upon her, here and elsewhere, my remarks would have been few, and strictly confined to the subject, but much as I have already said, and desultory as I know my remarks have been, I must beg leave to ask, in the name and behalf of the people of Georgia, a comparison between her laws and proceeding with those of any one of her sisters of the old thirteen who achieved the glory of our liberty and independence.

In humanity, forbearance, and liberality towards the Indians, Georgia has no superior, if she does not stand pre-eminent. The prosperity and advancement of the Indians within her boundaries is the theme of Indian his-

tory, and the glory of missionary efforts. Volumes have already been written, and sent to every quarter of the globe, to carry the glad tidings of the advancement and reformation of the Georgia Indians. And yet, Sir, have you not from day to day, throughout this long session, seen the provocations teeming upon President Jackson and the Georgians, and a spirit of asperity rarely witnessed in this or any other country? Martyrdom, the fagot, the flame, and stake, seem to inspire the ardent hopes and ambition of our opponents. Sir, Georgia would turn away from such sacrifices; she requires no such immolation to restrain the impetuosity of her citizens from acts of inhumanity and violence towards the Indians, or any other people. If you want any evidence of the generous spirit and liberality of Georgia, turn your eye to the maps which adorn your walls; look upon the two flourishing states of Alabama and Mississippi; for these States may, to a considerable extent, be considered a donation on the part of Georgia to this confederation of states. It is true Georgia did, at the time she ceded that territory to the Union, expect to relieve herself thereby of litigation and embarrassments with which she was harassed, and which were of an unpleasant and perplexing nature; and her compact with this Government, in 1802, secured the pledge and faith of the Federal Government to effect these desirable objects for Georgia. Yes, sir, from the signing of the compact of 1802, Georgia had a right to expect peace and quiet on the subject of the Yazoo speculation, as well as a speedy, reasonable, and peaceable relief from all Indian claims to lands within her borders. But, Sir, we have experienced a ten-fold portion of that disappointment which the vicissitudes of fortune bring to man.

What has been the history of the engagements formed by that compact? Let facts answer this question. From that day to this, Georgia has been the subject of unremitting and unmerited abuse. While the claims of the Yazoo speculators were pending before this Government, it was seized upon as a fit occasion, by prejudice and ignorance, to censure and revile Georgia, apparently forgetting the fact that this Government had been a great gainer by the misfortunes of Georgia, and had actually received an hundred-fold for all its troubles and expense in settling and quieting these claims.

Again, sir, from that day to this, whenever the subject of extinguishing Indian title to lands within the limits of Georgia has offered the slightest opportunity for declama-

tion, we have, with deep regret, discovered the same spirit which the gentleman from New York (Mr. Storrs) has manifested upon the present occasion.

But, sir, I will not dwell upon the wrongs of Georgia. It is the province of weakness to complain. We have sought from this Government our rights in the fulfilment of her engagement with us. They have long been withheld, upon frivolous excuses. We had lost confidence in any appeals which we could make to this Government; that confidence has been restored to the Executive branch of the Government by the course which has been marked out and pursued by our present Chief Magistrate. He has spread his opinions before the Nation in relation to the claims and rights of Georgia upon the Indian subject. Georgia is now waiting to hear the response of this branch of the General Government. A disposition manifested on your part to make reparation to Georgia for the multiplied wrongs which she has endured will be grateful to the feelings of every Georgian.

But, sir, arraigned as we are at your bar, we have no supplications to make. ~~We deny your right of jurisdiction.~~ Upon the subject of our sovereignty we fear nothing from your sentence. Our right of sovereignty will not be yielded. If you do not perform your duty, by withholding your opposition to long-delayed justice, and fulfil the conditions of your contract of twenty-eight years' standing, I would then advise you to let us alone, and leave us to manage our own affairs in our own way. While I would scorn to be heard in the tone of supplication, in reference to the rights of my constituents, I would, nevertheless, as the sincere and candid friend of the Cherokee Indians, use the language of expostulation in their behalf. The Cherokees, as well as the Georgians, are tired of suspense. A crisis has arrived which calls for action. Things can no longer remain in their present state.

Some acknowledged, competent authority must be sustained in what is called the Cherokee country. In its absence we may daily expect to hear of anarchy and blood. It is not only intruders from Georgia, but from various other states, who have recently rushed into the Cherokee country, to avail themselves of the advantages which may be found.

Give your support to the bill under consideration. Hold out no vain and delusive hopes to these sons of the forest. The history of the past gives them strong claims on our sympathy, benevolence, and liberality. Join us in

the great effort to save the remnant tribes of the aborigines. They are a peculiar people. They look back to the time when they were the undisputed masters of this mighty continent. They see in the future no reward for ambition or exertion, unless you plant them in permanent homes, where the extended views of their true friends and benefactors may systematically go forward with some prospect of success.

CHAPTER VII

As I write for the information of those who may survive me, and upon subjects identified with my own life, I do not feel at liberty to withhold from the reader either records, facts, or opinions which I may have entertained, which I deem to be necessary to the elucidation of the subjects upon which I dwell. I feel it my duty in a special manner to dwell somewhat at large upon the history of the relations which have existed between both the Federal and State Governments of our country and the Indian tribes who preceded Europeans in the occupancy of this country. The history of my own State, in connection with Indian affairs, fills many pages on the records of our State and General Government. And the Cherokees, the last lingering tribe removed from the limits of Georgia, are in many respects pre-eminently distinguished in the history of the past, and often at the expense of the character of Georgia and her prominent citizens who happened to be at the helm of public affairs in the State at the time of the greatest difficulty with this tribe of the aboriginal race. And should the historical and official records of the country prove that I have done more than others in expediting and consummating termination of the difficulties and embarrassments in the removal of the Indians from the different States and Territories, and the Cherokees especially, from the limits of Georgia, by colonizing and collecting them in a suitable country for their well being to the west of the Mississippi, and out of the limits of all the States and Territories of the Union, then may I not claim the reward of having rendered efficient aid in a good cause by many years of toil, hazard and labor, in benefiting the State, as well as the Indians? Moreover, in having aided in improving the policy and intercourse of civilized Governments towards a dependent and subdued remnant of the wild men of America? If I may be allowed to discriminate in the labors of my own life, I would put a higher estimate on the many years of toil spent in connection with Indian affairs than any one branch of my public labor.

I hope I may not be thought assuming while I ask

that my various and long continued efforts in connection with Indian affairs may be measured by the success which attended them. And in order to afford the means to every one who may desire a correct knowledge of these important matters of history, I herewith submit for consideration various official documents, and only require the readers' serious consideration and reflection, in order to come to correct conclusions in regard to all these matters. And having entered so far upon this subject, I will drop for the present my general narrative, and consecutively place before the reader many of the most prominent documents which I deem necessary to sustain all that I have assumed in regard to this subject.

And in order, to a clear understanding of the documents which I intend to submit, it is necessary briefly to state the order of the public positions which I occupied from 1830 to 1840. In October, 1830, I was again elected a member of (the 22nd) Congress, and in the December following proceeded to Washington, and served out my term (till the 4th of March, 1831) as a member of the 21st Congress.* During this session, I became convinced, from the very numerous communications received from my constituents, that I could not satisfy my friends at home without becoming a candidate for Governor of Georgia at the next October election. I deeply regretted this feeling on the part of my friends and constituents, and by numerous letters written in reply to those received on the subject I endeavored to convince my friends that it would be best for me to serve out the two years in Congress to which I was already elected. And I was altogether sincere in desiring to continue in Congress at this time. My success in all my measures in regard to Indian affairs, and my assiduous devotion to all my duties as a member of Congress, as well as the experience which I had gained from six years' service in that body, all tended to give me, as I thought, a more favorable position for extended and general usefulness to the country, as a member of Congress. Moreover, I thought my position altogether favorable to still urge on my policy of the general emigration of the Indians to the West, including the Cherokees of Georgia. And I was apprised that many of my constituents thought that if I was in the Executive Chair of Georgia I could succeed in the removal of the Cherokees more speedily than could be done by my efforts at

* The 2d session of the 21st Congress began Dec. 6, 1830, and ended March 4, 1831. The 1st session of the 22d Congress began Dec. 5, 1831.

Washington. I was fully apprised too of all the difficulties I had to encounter, if elected to the Executive Chair.

First, I should have to encounter the displeasure of Governor Gilmer, then Governor of Georgia, and desirous of re-election, as well as that of his numerous friends and supporters. Moreover, I knew that my policy on the Indian subject would differ from his on some very important points which would divide the councils and strength of the State.

Furthermore, although I knew my popularity with the people of Georgia as a Congressman, I did not feel assured that they wished to change my position at the expense of expelling Governor Gilmer from the Executive Chair; for I considered him a man of great popularity in Georgia. Under all these circumstances my reluctance was very strong, while yielding to the demand of my friends. But I was forced to become a candidate, and was elected in Oct., 1831, Governor of Georgia, by a majority of about fifteen hundred votes. And on the 9th of Nov. following, after the ordinary ceremonies of inauguration, and delivering the following address, and taking the oaths of office required by the Constitution, I entered on the duties of my office.

INAUGURAL ADDRESS.

Fellow Citizens:

Called by the voice of the people of Georgia to the first office within their gift, I approach the responsibilities of the station with unaffected humility and diffidence. But for a firm reliance on that wisdom which comes from above, and an unshaken confidence in the virtue and intelligence of my constituents, I should shrink from the magnitude of the arduous and complicated duties of the office confided.

The *basis* of my political creed is confidence in the unofficial, sovereign people. They are the only legitimate source of all governmental power, and I believe them to be not only capable of *self-government*, but of *wise self-government*. Therefore, my only hope of retaining their confidence will be in a faithful discharge of my public duty.

To this station I bring no spirit of party animosity, or political strife. I have no pledges to redeem, nor vindictive feelings to gratify. I am now the servant of all.

I avail myself of this occasion to re-affirm what I stated to the public in February last: that "it is my most ardent desire to see the whole people of Georgia united on the great subjects of political interest and principle, which are inseparably connected with liberty, and the perpetuation of our Federal Union. '*The Federal Union must be preserved,*' and it can only be done by the General and State Governments confining themselves within their respective constitutional spheres."

Pure patriotism demands of every public functionary a voluntary sacrifice of all political prejudices which may stand opposed to the public interest. Thus far I make a free-will offering of my own, on the altar of the public good.

In the presence of that portion of my fellow citizens here assembled, and in that of Heaven, I now proceed to bind myself by the solemnities of the most sacred obligation to discharge, with zeal and fidelity, the duties of the high trust to which I have been called.

I then repaired to the Executive Chamber, accompanied by Governor Gilmer who politely pointed me to the chair of state, made his bow and retired. The whole of his secretaries, together with every other person connected with the office, except his messenger, Peter Fair, (since promoted to higher stations by me) followed the Governor, leaving me to search for papers called for by the Legislature, and to acquire a knowledge of the arrangement of the office papers, without the slightest assistance from any of the former inmates of the Department.

And in order that the readers may form some adequate idea of my true position, I will here state that a decided majority of both branches of the Legislature had been opposed to my election, and had consequently organized their bodies, by electing officers of both houses who coincided with their own views. Moreover, in a few days after, all the State House officers, Judges of the Superior Courts, and every other office subject to be filled by the Legislature, was occupied by individuals who had opposed my election.

The records of Georgia will show that, at the time I entered upon the duties of the Executive office, every other high office in the State, including both branches of Congress, were opposed to my election. And lest it should be omitted hereafter, I will here state that when I left the Executive office of Georgia, at the end of my four

years' service, the whole of these officers, including my successor, were my political friends and supporters.

I availed myself of the best help I could procure as secretaries to the Executive Department, and it was but a short time before I became familiar with the arrangement of the papers of the office.

But to return to that which is more important in connection with my official duties. On the 25th day of November, 1831, I made the following communication to the Legislature:

Executive Department, Georgia,
Milledgeville, 25th Nov., 1831.

To the Senate and House of Representatives:

I submit to the General Assembly for its consideration copies of two communications received yesterday, purporting to be signed by Henry Baldwin, Esq., one of the Justices of the Supreme Court of the United States, and to be citations to the State of Georgia to appear in the Supreme Court, on the second Monday in January next, to show cause before that tribunal why two several judgments should not be set aside, which have been lately rendered in the Superior Court of the county of Gwinnett, against Samuel A. Worcester and Elizur Butler, for a violation of an existing law of the State, committed within its jurisdictional limits; also a copy of a notice purporting to be signed by William Wirt and John Sergeant, as council for Samuel A. Worcester and Elizur Butler, informing me of an intended application to the Supreme Court for a hearing on writs of error filed by those persons.

The obvious object of the proceedings to which this notice and these citations relate is to call in question and attempt to overthrow that essential jurisdiction of the State in criminal cases, which has been vested by our Constitution in the Superior Courts of the several counties of this State.

My respect for the Supreme Court of the United States as a fundamental Department of the Federal Government induces me to indulge the earnest hope that no mandate will ever proceed from that Court, attempting or intending to control one of the sovereign States of this Union in the free exercise of its constitutional, criminal, or civil jurisdiction. "The powers not delegated by the Constitution to the United States, nor prohibited by it to the States, are reserved to the States respectively."

Such a control over our criminal jurisdiction as these proceedings indicate, it is believed, has not been delegated to the United States, and consequently cannot be acquiesced in or submitted to.

Any attempt to infringe the evident right of the State to govern the entire population within its territorial limits, and to punish all offences committed against its laws within those limits (due regard being had to the cases expressly excepted by the Constitution of the United States), would be the usurpation of a power never granted by the States; such an attempt, whenever made, will challenge the most determined resistance, and if persevered in will evidently eventuate in the annihilation of our beloved country.

In exercising the authority of that Department of the Government which devolves on me, I will disregard all unconstitutional requisitions, of whatever character or origin they may be, and to the best of my ability will protect and defend the rights of the State, and use the means afforded me to maintain its laws and Constitution.

WILSON LUMPKIN.

From the foregoing short communication, it will be seen that at the very threshold of my Executive administration it became my duty to resist Federal usurpation, and it will also be seen in what manner I discharged that duty, and the sentiments I then entertained in regard to Federal encroachments.

The reader who desires to be fully and correctly informed, in regard to all the great interest of Georgia, at the time I first entered on the duties of the Executive office, and especially in regard to the then existing state of our Cherokee relations, would do well to read attentively Gov. Gilmer's annual message to the Legislature, at the commencement of the session. There may be seen in detail not only the then existing state of affairs, but the views and policy recommended to the Legislature by Gov. Gilmer.

And then let the reader turn to my message to the House of Representatives, made at the special request of that body, on the 2d of December, on the subject of our Indian affairs, which will enable him to understand the difference in opinion and policy between Gov. Gilmer and myself on the then Indian subject. I responded to the call of the House in the following words:

Executive Department, Georgia,
Milledgeville, December 2d, 1831.

To the House of Representatives :

Gentlemen—Having been called on by your resolution of this date, requesting me to lay before your branch of the General Assembly any information in my possession “in relation to the Cherokee Nation, and which might have an influence on the policy of the measure of the immediate survey and occupancy of the Cherokee lands, which has not heretofore been communicated, together with any views of the Executive upon the subject which that Department may think proper to make known,” in answer thereto I submit the following, as the result of long reflection on the important subject referred to.

It is believed that a crisis has arrived, in which we cannot permit the course of our policy in relation to the Cherokee part of Georgia to remain in its present perplexed and extraordinary condition without jeopardizing the interest and prosperity, if not the peace and safety, of the State.

Circumstances within the recollection of our whole people imperiously demanded the extension of the laws and jurisdiction of our State over our entire population and territory.

This step has been taken, and cannot be retraced. The State cannot consent to be restricted in the exercise of her constitutional rights. It is now too late for us to theorize on this subject; we are called upon to act; the public functionaries of the State stand pledged to their constituents, and the world, to sustain the ground which they have taken. It is our constitutional right, and moral duty, forthwith to interpose and save that part of our State from confusion, anarchy, and perhaps from bloodshed.

The question of the right of the State to jurisdiction seemed for a time to have been settled. Our laws were in regular, unmolested operation over our entire territory; our rights appeared to be no longer controverted; and the responsibility for the existing evils was devolving on ourselves.

But new and unexpected difficulties are arising out of the imbecility of our own measures, and the selfishness of some of our own citizens. It has been thought that some of our most distinguished citizens have thrown almost insuperable obstacles in the way of a speedy termination of our Indian difficulties. The laws heretofore enacted for

the maintainance of the jurisdiction of the State over that portion of our territory, and for the Government of all persons residing therein, it must now be admitted, have failed to accomplish all that was desired and expected by the friends of these measures. The defects of our laws have been evinced by their practical operation. It is believed that any attempt to establish a salutary civil government over a country containing nearly five millions of acres of land, while destitute of the materials to administer the law, must, from the nature of things, prove in a great measure abortive.

A few thousand half civilized men, both indisposed and incompetent to the faithful discharge of the duties of citizenship, and scattered over a territory so extensive, can never enjoy the inestimable blessing of civil government.

Whatever may be the nominal character of our legislation, we cannot govern the country under consideration with honor to our character, and benefit and humanity to the Indians, until we have a settled, freehold, white population, planted on the unoccupied portion of that territory, under the influence of all the ordinary inducements of society, to maintain a good system of civil government. Our government over that territory in its present condition, in order to be efficient, must partake largely of a military character, and consequently must be more or less arbitrary and oppressive in its operations. If the present system be continued, it is important that ample powers should be afforded to the Executive, to regulate the conduct, and control the operations, of the agents employed to administer the Government in that part of the State; but it is doubtful, even with this power, whether any vigilance and energy on the part of the Executive can wholly prevent injustice and oppression being committed on the Indians, and at the same time maintain the laws inviolate.

If Georgia were at this day to relinquish all right, title and claim to the Cherokee country, what would be its situation? The impotency and incompetency of the Cherokees to maintain a regular government, even for a few months, perhaps for a few weeks, would at once be demonstrated. The country would be speedily overrun, chiefly by the most abandoned portions of society from all quarters.

The gold mines would hold out an irresistible temptation to all such characters. The existence alone of the rich gold mines utterly forbids the idea of a state of quiescence on this all engrossing subject.

Our true situation and motives on this question are still misunderstood, and often misrepresented, by those at a distance. In order to appreciate our policy, our true situation must be understood. I will not attempt to enumerate the wrongs, embarrassments, and perplexities, which this State has encountered, by what I am constrained to deem the impertinent intermeddling of "busy-bodies." Official persons of various descriptions have unfortunately succeeded in inducing our Indian people to believe that we are their enemies and oppressors, and in alienating their affections from us. These various intermeddlings hastened the crisis which compelled the State to the course which she has taken; and the day must speedily arrive when all the heart-burnings on this subject must be put to final rest. The combined and combining influences now in operation against the character, interest, peace, and prosperity of the State, cannot be much longer deplored in silent inaction; nor ought we to place any reliance on inefficient measures. Unfounded calumny and prejudice, kept at a distance, may be endured; but domestic and household enemies produce unceasing disquietude and danger.

The unfortunate remnant of Cherokee Indians remaining in Georgia ought now to consider themselves the admitted charge of our peculiar care; and if possible we ought, as their friends and benefactors, to preserve and cherish them. They ought not forcibly to be dispossessed of their homes, or driven from the land of their fathers; they ought to be guarded and protected in the peaceable enjoyment of a sufficient portion of land to sustain them, with their families, in their present abodes, so long as they may choose to remain; and their rights and property should be as well secured from all lawless depredation as those of the white man. It would be as cruel as unjust, to compel the aborigines to abandon the graves of their fathers; but in the present extraordinary state of things it would be visionary to suppose, that the Indian claim can be allowed to this extensive tract of country—to lands on which they have neither dwelt, nor made improvements.

Principles of natural law and abstract justice have often been appealed to, to show that the Indian tribes within the territorial limits of the States ought to be regarded as the absolute owners and proprietors of the soil they occupy.

All civilized nations have acknowledged the validity of the principles appealed to, with such modifications and

interpretations of these principles as the truth of history has verified, especially in the settlement of this country.

The foundations of the States which form this confederacy were laid by civilized and Christian nations who considered themselves instructed in the nature of their duties by the precepts and examples contained in the Sacred Volume which they acknowledged as the basis of their religious creed and obligations. To go forth, subdue, and replenish the earth, were considered Divine commands.

Whether they were right or wrong in their construction of the sacred text; whether or not their conduct can be reconciled with their professed objects, it cannot be denied that possession, actual or constructive, of the entire habitable part of this continent was taken by the nations of Europe; and that it was divided out and held by them originally, by the right of discovery, as between themselves, and by the rights of discovery and conquest, as against the aboriginal inhabitants. The English colonies and plantations were settled and governed under various charters, commissions, and instructions, issued by the crown to individuals or companies; and notwithstanding that the paramount sovereignty was reserved in all the charters to the mother country, yet in the grant of the absolute property in the soil there was no reservation of any part of it to the natives, who were left to be disposed of as the proprietors might think fit and proper.

Humanity, and the religious feeling of the early adventurers in America, connected with the consideration of the power and immense numbers of the native races and their savage mode of warfare, laid the foundation of the policy adopted in this country towards the Indians. The practical comment to be found in the acts of all the Governments of North America evinces very little regard for the elementary doctrines of theoretical writers on this subject. One of the expedients resorted to by the early settlers in this country as a fundamental principle of policy towards the Indians was, to appear to do nothing which concerned them, either in appropriating their lands or in controlling their conduct, without their consent. But instances have occurred, and will again occur, in which the interests of civilized communities have demanded, and will again demand, a departure from this seeming liberal policy. It is believed that many acts of the Colonial, as well as of the State Governments, will maintain the great fundamen-

tal principle that within the territorial limits of the Colonies or States the ancient possession of the Indians conferred on them no rights, either of soil or sovereignty.

The rigor of the rule for their exclusion from these rights has been mitigated in practice, in conformity with the doctrines of those writers on natural law, who, while they admit the superior right of the agriculturalist over the claims of savage tribes in the appropriation of wild lands, yet, upon the principle that the earth was intended to be a provision for all mankind, assigned to those tribes such portions as, when subdued by the arts of the husbandman, may be sufficient for their comfortable subsistence. The General Court of Massachusetts, in 1633, declared "That the Indians had the best right to such lands as they had actually subdued and improved." The government of that Colony at the same time asserted its right to all the residue of the lands within its chartered limits, and actually parcelled them out by grant among the white inhabitants, leaving to these the discretionary duty of conciliating the Indians, by purchasing their title. The General Assembly of Virginia asserted the unrestricted right of a conqueror; and at the same time conceded, what the principles of natural law were supposed to require, when, in 1658, it enacted, "That for the future no land should be patented until fifty acres had first been set apart to each warrior, or head of a family, belonging to any tribe of Indians in the neighborhood." No respectable jurist has ever gravely contended that the right of the Indians to hold lands could be supported in the courts of the country upon any other ground than the grant or permission of the sovereignty, or State, in which such lands are situate. It is believed that no title to lands that has ever been investigated in any of the courts of the States, or of the United States, has been admitted to depend on any Indian deed or relinquishment, except in those cases where grants had been previously made to individual Indians to hold in fee simple, either by the State or Colonial governments.

With all of these facts and examples before us, taken in connection with the extraordinary state of our Indian affairs, will any citizen of Georgia hesitate, upon the question of advancing or receding? To stand still, will in effect be to recede—to recede is to abandon our rights, and tacitly admit our incompetency to sustain our Constitutional Government within our own limits.

Our laws now in operation for the maintenance of our authority, and the preservation of order over our

Cherokee lands, must necessarily be temporary; the expense alone of the present system is a burthen which cannot be permitted to continue long.

✓ The present state of things in the Cherokee country, it is believed, is strengthening the adversaries of Georgia, at home and abroad.

In order to secure and protect the Indians in their abodes, and their property of every kind under our laws, their individual and separate possessions ought to be defined by actual survey; in accomplishing which it will be least expensive and most compatible with the views of the State (as provided by the act of the Legislature at its last session), to survey the entire country.

Until we have a population planted upon the unoccupied portion of this territory, possessed of all the ordinary inducements of other communities to sustain our laws and government, our present laws providing for the government of this part of the State should not only be continued, but ample power should be afforded to enforce obedience to their requirements. To effect this object, the Executive should be vested with full power promptly to control the agents who have been, or may be, selected to maintain the authority of the laws in that portion of the State.

I never can consent to be considered amongst the number of those who disregard the interests, rights, or claims of the Cherokee Indians. Georgia would still forbear, if any hope remained that her embarrassments could be terminated by negotiation or investigation of any kind; but the present posture of affairs furnishes no satisfactory assurance of a successful issue to these injurious embarrassments and difficulties, and the State would be responsible for the evils that might ensue. I would recommend no course which might tend, in the slightest degree, to weaken the just claims of the Cherokee Indians to full indemnity and remuneration from the government of the United States for all guarantees made by that government to the Indians, to lands within the limits of Georgia.

✓ As a member of the Federal Union, we should duly consider the obligations of the United States to the Cherokee Indians.

Whether a treaty or compact be made with one of the States of the Union, or with a dependent and subject community, the faith of the Nation should not be disregarded.

While the antecedent engagements of the United States to Georgia are entitled to precedence in their observance, yet, as far as possible, the Cherokees should be compensated for any failure on the part of the United States literally to comply with their stipulations to that people. That being done, there remains no just cause of complaint. The first duty of every government is, to protect the rights and promote the prosperity of its own members. Yet the rights and interests of others, of whatever character or condition, are not to be wantonly restricted, nor in any case wholly disregarded.

But the principle cannot be sustained by any fair course of reason or authority, that the United States can in justice be bound to violate its relations or compacts with Georgia, as one of the States of the Union, or the rights of this State as a third party, for the mere consideration of performing an after obligation or secondary duty to the Indians.

Regardless of the pretensions of others, I yield to none in my respect, friendship, and veneration for our present patriotic Chief Magistrate of the Union. He has, upon every fit occasion, manifested an unceasing disposition to better the condition of the Indians, and at the same time to relieve the States from this embarrassing portion of their population. In an especial manner he has manifested his deep sense of the wrongs brought upon Georgia by the want of good faith on the part of the Federal Government; and has fearlessly advocated the rights of Georgia to the full extent of her claims.

Therefore, every consideration of duty and justice requires our cordial support of the President in all measures emanating from him which may not be deemed incompatible with paramount duties.

In conformity with the views herein submitted, I would respectfully recommend to the General Assembly an immediate survey of the Cherokee Territory. After completing the survey of the country, (unless it shall become indispensable to the interest and peace of the State to act differently,) I would yet pause for a time, and endeavor to maintain our present, unpleasant, expensive, and embarrassing situation, in the hope that better counsels may then prevail among the Indians, and that those who govern them may yield to such measures as will obviously promote their real and lasting interest.

But should circumstances render it indispensable to take possession of the unoccupied territory, we can then

sustain the Indians in their homes, protect them in their rights, and save them from that cruelty and oppression which have too often been the inheritance of this unfortunate people, in the confidence that their claims to the territory thus occupied by Georgia will be extinguished by the Federal Government, in compliance with the compact of 1802.

WILSON LUMPKIN.

The influence of the foregoing communication, in connection with my daily and free intercourse with the members of the Legislature, with my opponents as well as my friends, enabled me to procure from the Legislature, to some considerable extent, such enactments as I deemed most important to sustain my views in relation to Indian affairs.

After mature reflection on the subject, and with an earnest desire that those who survive and come after me may have the means fully and fairly before them to enable them to judge correctly of all my official acts as Governor of the State of Georgia for four years, and at a period of great and abiding interest to the people of Georgia, in regard to the various interests of the people of the State, and especially her Indian relations, I have deemed it expedient here to introduce and lay before the reader my several annual messages to the Legislature of Georgia, from November, 1832, to November, 1835, inclusive.

These official documents will be found not only to refer to and embrace to some extent the most important acts connected with my executive administration of the Government of the State, but will, at the same time, present the views which I then entertained and recommended to the consideration of the Legislature, from time to time, upon all those subjects connected with the then existing and permanent interest of the people of Georgia. These communications will be found to refer to, or embrace, all that is necessary to keep up the chain of history upon the subject of our Indian affairs in that consecutive order that I have heretofore intimated that I designed pursuing in this work. The reader may, if he chooses, pass from my first message to the Legislature on the Indian subject to what was annually communicated to the Legislature, for four successive years, on the same subject, which will enable him to keep up the history of our Indian affairs as they progressed from time to time, without en-

cumbering himself by dwelling on other important matters of state policy embraced in my several messages.

And these documents, being here given entire, will become convenient for reference, whenever the several subjects which they embrace may hereafter be introduced to notice. I do not introduce these documents for any supposed beauty of style or composition. I am no competitor for literary fame; but I wish to maintain my character as an untiring, persevering, faithful servant. Moreover, I wish posterity to be fully informed in regard to the principles, opinions and policy upon which the acts of my life have been based. I have never concealed an opinion entertained upon any political question, from early youth to the present day.

ANNUAL MESSAGE, 1832.

Executive Department, Georgia,
Milledgeville, November 6th, 1832.

Fellow Citizens:—

When we take a survey of the events of the closing year, it produces mingled emotions of pleasure and pain. Our actual condition and enjoyments as a people, arising from climate, soil and good government, when compared with other portions of the world, admonish us to admire and adore the Divine Author of our multiplied blessings. Nothing has transpired to lessen our attachment or diminish our confidence in the good system of government under which we live. We should, therefore, cherish an increased zeal and an abiding hope for the perpetuation of our free and happy institutions. The truths of history do not authorize the belief that we are to enjoy the inestimable blessings of liberty and free government, founded on principles of equal rights, without vigilance and constant exertion on the part of the people, who are the only legitimate source of government power.

Our conflicts with Federal usurpation are not yet at an end. The events of the past year have afforded us new cause for distrust and dissatisfaction. Contrary to the enlightened opinions and just expectations of this and every other State in the Union, a majority of the judges of the Supreme Court of the United States have not only assumed jurisdiction in the cases of Worcester and Butler, but have, by their decision, attempted to overthrow that essential jurisdiction of the State, in criminal cases,

which has been vested by our Constitution in the Superior Courts of our own State. In conformity with their decision, a mandate was issued to our court, ordering a reversal of the decree under which those persons are imprisoned, thereby attempting and intending to prostrate the sovereignty of this State in the exercise of its constitutional criminal jurisdiction. These extraordinary proceedings of the Supreme Court have not been submitted to me officially, nor have they been brought before me in any manner which called for my official action. I have, however, been prepared to meet this usurpation of Federal power with the most prompt and determined resistance, in whatever form its enforcement might have been attempted by any branch of the Federal Government.

It has afforded me great satisfaction to find that our whole people, as with the voice of one man, have manifested a calm, but firm and determined resolution to sustain the authorities and sovereignty of their State against this unjust and unconstitutional encroachment of the Federal judiciary. The ingenuity of man might be challenged to show a single sentence in the Constitution of the United States giving power, either direct or implied, to the general government, or any of its departments, to nullify the laws of a State, enacted for the government of its own population, or coerce obedience, by force, to the mandates of the judiciary of the Union. On the contrary, the journals and proceedings of the convention that framed the Federal Constitution abundantly evince that various attempts were made to effect that object, all of which were rejected. This proves that the States of this Union never did, and never will, permit their political rights to be suspended upon the breath of the agents or trustees to whom they have delegated limited powers to perform certain definite acts. I, however, deem it unnecessary for me, at this time, to animadvert on this decision of the Supreme Court. Its fallacy, its inconsistency with former decisions, and its obvious tendency to intermeddle with the political rights of the States, and to change our Federal system into one consolidated mass, has been so often exposed by the most able jurists and statesmen that a large majority of the people of this Union are confirmed in the conviction of the fallibility, infirmities, and errors of this Supreme tribunal.

This branch of the general Government must henceforth stand where it always ought to have stood in pub-

lic estimation, as being liable to all the frailties and weaknesses of erring man.

Shortly after the adjournment of the Legislature, in December last, I communicated directly to the President of the United States the views of this State, as manifested by her legislation on the subject of our unoccupied lands lying in Cherokee County; and at the same time frankly communicated to him my views, especially as to the necessity and importance of an immediate survey, and perhaps occupancy, of these lands. The President has manifested equal solicitude with ourselves to effect an amicable and satisfactory adjustment of our territorial embarrassment. He has proposed to the Cherokee people terms of the most liberal character, with a view to induce them to emigrate to the West, &c., thereby to enable him to effect the great object of his solicitude, in permanently benefiting that unfortunate race, and at the same time to fulfil the long delayed obligation of the United States Government to Georgia, entered into by the compact of 1802.

Notwithstanding the extraordinary liberality of the proposition submitted to the Cherokees, and the kind spirit in which they were presented, the enemies of the President and of Georgia have so far succeeded as to prevent any satisfactory arrangement or treaty with them; and their reply to those liberal propositions evinces a most arrogant and uncompromising spirit.

Every day's experience has afforded new evidence of the utter impracticability and impolicy of attempting any longer to maintain our laws and government over the Cherokee part of Georgia, without an increased and better population. Every effort has been made by the Executive to maintain the inviolability of the laws of the State in Cherokee County; but these efforts have not been attended with the desired success. Our laws have been repeatedly violated, and for the want of that moral force which pervades counties inhabited by a more dense, enlightened and virtuous population the transgressors have sometimes escaped merited punishment.

Our scattered population of good character, who now inhabit this County, have often found themselves destitute of security from the depredations of dishonest men; and when they have sought protection from the laws of the land, they have often found those laws evaded and perverted by combinations of such characters, aided by the advice and counsel of those whose enlarged acquirements

should have directed their influence in aid of the cause of justice and the supremacy of the laws. Legal and pettifogging subtilities in this County seem measurably to have triumphed over equity and a fair administration of the laws.

Not only the Supreme Court of the United States, but the Superior, and even the Inferior, Courts of our own State, have so far aided in overturning our laws and the policy of our State Government as to declare them unconstitutional, and order the discharge of prisoners arrested and confined under their provisions. Nevertheless, amidst all these irregularities, strifes and disorders, there is much cause for sincere gratification, that the events of the year have produced nothing more seriously injurious to the interests and character of the State.

The survey of the County of Cherokee, in conformity with, and under the provisions of, the several acts of the Legislature, has been completed without any serious obstacle or difficulty, and, in the exercise of that discretion confided to me by law, I have not hesitated to move forward in that direct line which I deemed best calculated to ensure a speedy settlement of the unoccupied lands in Cherokee County. Accordingly, in due time, the Justices of the Inferior Courts of the several counties were notified and required to execute the duties devolving on them, in regard to receiving and returning the names of persons entitled to draws in the lotteries, which having been done according to law, and the tickets having been prepared, the Lottery Commissioners were convened, and commenced the preparatory arrangements for the drawings, which was commenced on the twenty-second day of October last, and is now in progress, under their superintendence.

I deem it unnecessary at this time to enter upon an enlarged vindication of the policy which has been pursued by the authorities of Georgia on this subject. Suffice it to say that I have daily increased evidence that our policy has been founded in wisdom, justice and true benevolence, and will, ere long, terminate in the preservation of a remnant of these unfortunate Indians; and our State will be relieved from the libels and embarrassments of a thirty years' controversy.

It now becomes my duty to call the serious and deliberate attention of the Legislature to the subject of the present condition of the Cherokees who remain within our State. By our existing laws, their homes and improvements are secured to them, so long as they may

choose to remain thereon; but these laws are by no means adapted to the security of their persons and property. Therefore, special and appropriate legislation is most earnestly recommended, whereby these objects will be secured to them, and their rights be as effectually shielded from violation as those of the white man. It is due to the character of the State that this dependent people should be protected by laws as liberal as may be consistent with their moral and intellectual condition. To afford them such protection, and to extend to them suitable privileges, without endangering the rights of our own citizens, will require the most careful deliberation and prudent forecast.

The land fund set apart by the Legislature has been found insufficient to pay even the legal expenses of surveying the public lands. Nothing, therefore, remained to discharge the various expenses necessarily incident to the preparation for carrying the lottery laws into effect.

The Legislature will perceive the necessity of providing, at an early day, for the payment of all arrearages, and other expenses appertaining to this business. It is the more urgent that it should be done without delay from the consideration that many needy persons have already performed much useful labor for the public, who have not yet received any compensation.

While on this subject, it may not be improper to remark that the Executive has not only been embarrassed on account of the inadequacy of the land fund, but from the improvidence of the last Legislature, in providing the means at the Treasury to meet their several appropriations. The appropriations for the past political year greatly exceeded the available means at the Treasury. This omission of the Legislature was discovered at an early day, after the adjournment of their last annual session, and, after due consideration, it was determined to endeavor to sustain the operations of the government by other means than that of an extra session of the Legislature.

I therefore applied to the Directors of the Central Bank, laid before them the situation in which the Executive was placed, and desired to be informed how far that institution could, consistently with its charter, accommodate the Government. The Directors, without hesitancy, manifested every disposition to grant any accommodations which might be legally extended; and, by an arrangement agreed upon, the Bank has taken up and paid

off the Executive warrants, whenever the means to meet them were not found at the Treasury; which warrants have been taken up by the Treasurer as fast as the means were received at that department. Thus, through the agency of the Bank, I have been enabled so far to meet the appropriations of the Legislature as to avoid the deprecated necessity of convening an extra session. But, doubts being entertained as to the competency of the Bank to meet the entire demands authorized by the Legislature, I have therefore been placed under the necessity of discriminating between appropriations made for the indispensable operations of the government and minor and individual interests.

The report of the Directors of the Central Bank, which accompanies this message, will exhibit the extent of the accommodation which has been granted to this department. From this statement, the Legislature will be able to ascertain the extent of the deficit which has accrued at the Treasury to meet the Executive warrants which have been drawn on the several appropriations for the current year. Whatever legislation may be necessary to remedy the omissions of the last session upon these several subjects commends itself to your immediate attention.

The act of the last Legislature abolishing the penitentiary system in this State, in connection with the facts of the institution being embarrassed with debt, almost destitute of materials to carry on the different branches of manufacture, and the interior buildings and workshops being in an unfinished and unsuitable condition to aid the important objects of good government and useful business, all combined to impress upon the present managers of the institution a spirit of despondency. Nevertheless, I am highly gratified to have it in my power to present to the Legislature demonstrative evidence of the spirit and ability with which the institution has been managed during the present year.

It will be seen by the reports of the Inspectors, herewith transmitted, that the labor of the convicts will more than defray the ordinary and current expenses of the year. The internal police of the institution has been such as to prevent escapes, secure the health and comfort of the convicts, and at the same time it is believed that in many instances reformation has been effected, and, in some, that it will prove to be permanent. As far as the means of the institution would justify, a proper forecast has been di-

rected to the procuring an ample supply of timber, and other materials for manufacture, but the appropriations of the last Legislature were nearly exhausted, at once, in the payment of debts against the institution, contracted in 1831, for building and various articles of supply.

The outstanding debts due to the Penitentiary is a subject which deserves especial attention. Between fifteen and twenty thousand dollars of unavailable debts appear to be due to the institution, most of which were contracted previous to the year 1829. A portion of these debts have been placed in the hands of attorneys for collection, all of whom have not yet accounted satisfactorily for the amount thus placed in their hands. I herewith submit to the Legislature a document exhibiting all the information I have been able to collect on this subject. At present, it is believed that the fiscal transactions of the institution are conducted with system, skill and prudence, which will hereafter prevent any material loss, if the present regulations are continued. The books and accounts are kept with great accuracy, and credits are extended with that caution which will, in future, prevent the accumulation of bad debts.

From the indications of public opinion, it is believed that the abolition of the penitentiary system has not received the approbation of the majority of the people; and I feel assured that the experience of one year, under our present code, has strengthened public opinion in favor of the institution. A general disposition seems to pervade the community to shield culprits from the infliction of the sanguinary punishments of our present criminal code, and hence it is that frequent applications are made to the Executive to grant reprieves, and remit the sentences of the courts. Imprisonment in the county jails, being a common punishment inflicted on the violators of our present criminal laws, is found to be expensive, and, in many cases, burthensome to the counties, which tends to encourage applications for pardons, even when there is nothing to extenuate the guilt of the offender.

After the most mature reflection, I cannot hesitate in arriving at the conclusion that penitentiary confinement is by far the most economical mode of punishment for crime; and from the operations of the present year I incline to the opinion that if the system were reinstated, and appropriately patronized by the Legislature, it would be certain to defray its expenses, and perhaps, at a day not far distant, become a source of profit and income to

the State. Should the Legislature determine to revive the system, a due regard to the reformation of the convicts, and profitable management of the institution, will require a further improvement of the interior buildings and workshops, and a more ample supply of various materials for fabrication. The necessary appropriation to accomplish these objects under proper management could not fail eventually to be a measure of economy and saving to the State.

The sure defence and fortress of liberty is the militia—the citizen soldier. But in no country can it be reasonably expected that every citizen should be trained and ready for the active duties of a soldier in the tented field. The Government, relying as it does, on the militia for defence in time of danger, should unquestionably have some organization, whereby it might not only know its strength, but have at ready command the power to concentrate an efficient portion of its martial force, at a short warning, which in any emergency might serve as a rallying point for the great body of its militia. It is not within the range of our State government to keep up a standing army, nor is it compatible with our views and policy; nevertheless, it is believed that voluntary associations of active and patriotic citizens, organized under legal sanction and encouragement, might afford to every section of our State a rallying point, in case of sudden alarm from any quarter, foreign or domestic. The few returns which have been made to this department from Division and Brigade Inspectors, and various other sources of information, can leave no doubt of the fact that our present militia system has sunk under the imperfections of its own structure and organization, and, unless renovated by legislation, may be considered as nearly extinct. Under these circumstances, it becomes highly necessary that the Legislature should take this important subject into serious consideration, and provide by law some plan of organization in lieu of that which has practically become obsolete. As the distribution of the public arms, under the law of the United States for arming and equipping the militia, is made among the States according to the relative strength of the militia, it is a matter of interest to obtain accurate returns of the force of the State; and the disorganization of our system is such as to render it impossible to ascertain the entire strength of the militia of the State. I consider it highly important that the effective strength of the militia should, at all times, be known; that there should

be at least one company of well trained volunteers in each county in the State, and in the populous counties perhaps more; that provision should be made for arming and training all such volunteer companies, and that they should at all times hold themselves in readiness to obey the calls of their country, in case of alarm or danger, and further, that provision should be made for enlarging such volunteer force, whenever the situation of the country may demand it. But past experience has demonstrated that if these views shall be adopted it will be indispensably necessary to make ample provision for the preservation, safe-keeping, and due return of the public arms, when called for. Unless this object can be effected, it will be useless to attempt to carry into effect the plan now suggested. I have ascertained that most of the public arms which have been drawn from the arsenals for volunteer and other service since the year 1812 may be considered as lost to the State; and those which are not entirely lost are chiefly in a ruinous condition.

In many instances I find bonds on file in this department for the safe keeping and return of the arms thus distributed, when called for; but in most cases the makers of these bonds, it is presumed, are now dead, removed, or insolvent, and the companies dissolved. Since I entered upon the duties of this office I have received various communications from highly respectable individuals, some written, but mostly verbal, informing me of arms and accoutrements being in their respective neighborhoods, in a situation to be lost for want of care. In several cases, where I have attempted investigations, I have not been able to find a responsible individual, and without legislative provision I am at a loss how to proceed so as to save this public property from entire loss. The arms thus scattered over the country, as well as many in the arsenal at this place, will never be of any public value, unless provision is made for collecting, cleaning and repairing them.

It may be proper to state that, under the provisions of a joint resolution of the last Legislature, there have been organized, during the present year, thirteen volunteer companies, which have been furnished with arms from our arsenals. It will be seen from the reports of the military storekeepers that our present supply of arms is so greatly diminished that volunteer companies cannot continue to receive supplies, unless provision be made for that purpose.

The framers of our State Constitution were not unmindful of the important subject of education. They considered the cultivation of the arts and sciences indispensable to the prosperity of a free people, and we therefore find the most imperative language used in that instrument to impress the Legislature with a sense of its duty in sustaining the cause of education. The history of the legislation of Georgia will show that attention to this subject has not been wanting. Our statute books exhibit a mass of legislation and expenditure upon the subject of education that has scarcely been surpassed by any of our sister States. But, upon a review of the whole subject, it must be admitted that the advantages derived by the people of Georgia have not been commensurate with the labor and expense.

The present prospects of our University afford just encouragement to the friends of the arts and sciences to continue to foster and patronize that institution. The prosperity of our College is so closely identified with the character and interest of the State, that, under proper management, it cannot fail to become a favorite institution with the community, and receive a liberal support from the whole people.

Our academic and poor school systems are admitted to be defective, and by no means satisfactory to the community. In view of these defects, the Legislature, at their last session, adopted a resolution directing a compilation of all our academic and free school laws now in force; and also authorized the Governor to appoint three suitable persons to form a system of academic and free school instruction, to be as nearly uniform as practicable throughout the State, and report to the present Legislature. The compilation so authorized has been prepared and published by John A. Cuthbert, Esq., under Executive appointment, and is executed with the characteristic accuracy and ability of that gentleman.

But I have to express my regret that I have not been able to meet the expectation of the Legislature in having submitted to them a system of academic and free school education, as authorized by the resolution referred to. At an early day after the adjournment of the last Legislature, my attention was directed to this subject, and a correspondence was opened with several individuals of this State who had manifested considerable interest in advancing the cause of general education. But among those who were believed to possess eminent qualifications for this

important undertaking none could be induced to engage in the arduous and responsible labors contemplated by the resolution of the Legislature. To perform this work to the satisfaction of the Legislature, and to meet the public expectation in point of utility, it was believed that qualifications of a literary character should be combined with an extensive acquaintance with the feelings, habits and interests of our diversified population. The peculiar situation of the State; the habits and feelings of the people; the sparseness of our population in many sections; the want of fixed and permanent school districts, by known and well-defined boundaries; and various other considerations, must be taken into view in framing a successful common school system.

The Legislature of Georgia, at an early period of its history, with a spirit that deserves commendation, made liberal provision for the endowment of an academy in each county in the State; the application of which has been left to the trustees of the several county academies; consequently there has been no uniformity or general plan of operation, no systematic adoption of measures which were calculated to ensure success alike to all. Notwithstanding the neglect of which many trustees may have been guilty, it must be admitted that great good has resulted to the community from the endowment of these county seminaries. The benefits have been mostly felt in the immediate vicinity of these institutions, but in some instances have been diffused more or less throughout the counties.

Our success in the application of the fund set apart for the education of poor children has, like our academic fund, been beneficial in those counties where it has been well managed and prudently applied, while in others there is just cause for complaint. It is believed our academic and poor school funds might be better applied to purposes of useful education if our present imperfect system was wholly abolished, and a system of common school education organized and patronized in lieu thereof. I have examined with care and reflected much upon the systems of common school education adopted by the different States in the Union, and marked the varied success of each; and although the experiments of other States may afford much light to direct our course, yet I am fully convinced, to ensure success in our community, we shall find it necessary to adopt a plan which shall be based upon the actual conditions of our own population, and not flatter ourselves

with the idea of success by merely following the footsteps of others whose habits and modes of thinking are so very different from our own.

The State of New York, as well as the New England States, which have succeeded best in diffusing the blessings of education to their whole people, have all maintained the right and duty of the Legislature to provide for the education of their entire population. And for the purpose of effecting this object, the entire property of the State—no matter in whose possession it was found—has been made subject to taxation for the education of all. thus regarding the children of the whole community as being under the care of the Government.

Whatever advantages may have been derived by such legislation and the establishment of such principles, in other States, I feel assured that such principles and such legislation are by no means suited to the feelings and habits of our people.

It is believed that no legislation upon the subject of general education, however wise the scheme, can be successful, which does not receive the approbation of the people and excite inquiry, interest and zeal among the great body of the community. Let the people once turn their earnest attention to this subject, and they will very soon become convinced of the great importance and necessity of their individual exertions to secure the benefits of education to the rising generation. Upon due reflection and full examination, the people will become convinced that the proper education of the rising generation is directly and intimately connected with the interest, happiness and prosperity of their country, and the perpetuity of our present civil institutions and good form of government. The neglect of educating our children will inevitably tend to the decline and fall of our Republic. Our Government is based upon public opinion, and that opinion, to be salutary, must be enlightened. Let that knowledge which accompanies a good common school education be diffused throughout our country, and the iron sway of ignorance can never be wielded by demagogues to the destruction of liberty. Without this diffusion of knowledge, like other republics, our career of liberty may terminate in licentiousness, anarchy and despotism.

Therefore, if we would transmit to posterity the sacred legacy which our fathers have bequeathed to us, we must not disregard those means, upon the use of which the permanency of those blessings so essentially depends. We

must bring into requisition all our means for the diffusion of education, and thereby give impulse to public feeling. If possible, we should penetrate the bosom of our whole population on this subject by exhibiting to them the practicability and importance of each member of society contributing some humble share to the great object of raising talents, merit and genius from obscurity to the highest walks of life, and in bringing the lights of education to every dwelling within the limits of our beloved State. Let it be remembered that every school that is established, every child who may be educated, every log school house that is built, affords a new pledge in favor of the great cause of education, liberty and free government, and at the same time let each individual in the community bear in mind that duty to his country assigns him a part in this great work.

The reports of the Superintendents of the public lands, herewith submitted, will exhibit the operations, progress and success of that branch of the public service during the past political year. Although further experience has continued to develop additional imperfections in the laws providing for the improvement of our great market roads, and new obstacles to all that success which we desire are occasionally presented to those who superintend the work, yet my confidence that the system is a good one, and that it ought to be continued and improved, is, by every day's experience, more fully confirmed. Georgia has not been wanting in effort to facilitate the transportation of the immense product of her fruitful soil and industrious population. Large sums of public money have been expended, from time to time, with a view to the improvement of our navigable waters; but, for the want of skill and experience to direct its application, it must be admitted that the people have not derived those benefits which they had a right to expect from the amount thus expended. It is believed, however, that no want of success which may have attended our attempts at internal improvement should for a moment abate our zeal, or retard our efforts in a determined and vigorous prosecution of such public works as the interest of the people demands. I would not only recommend a continuance of our present system of road improvement, but that it should be strengthened and improved.

Excellent roads have already been made in many parts of the State, by the labor devoted to that object; but every part of the State has not been made to feel the bene-

fits of the system, and those parts which have derived no benefit will, from the nature of things, become restless and dissatisfied, unless they are made to participate in the benefits as well as the burthens of the system.

One of the most formidable objections to the present system is that the roads, after being made good, are not kept in repair; and from the nature of our soil and the present plan of constructing our roads, unless repairs, at the proper time and in the right mode, be strictly attended to, they must necessarily soon fall into a state of dilapidation and ruin. It is the incumbent duty of the Legislature to provide a remedy for this evil which, if neglected, will most assuredly destroy the whole system. Only provide for keeping the roads in complete order which are once made good by the State hands, and in less than twenty years Georgia will have the best roads of any State in the Union. It is submitted to the Legislature whether it should not be made the duty of the county authorities in which roads are constructed by the State hands to receive such roads from the Superintendent, and thereafter be compelled to keep them in as good order as when received. Upon all the roads constructed by the State hands such provision should be made by law as would ensure the keeping in good repair of all necessary bridges and causeways, as well as the road.

Some arrangement should be made which will ensure a general diffusion of the benefits arising from the system to every section of the State as to prevent the conflicting claims of different communities from embarrassing the operations of the Superintendents, and throwing more than a just share of responsibility on them. I would deem it most advisable for the Legislature to define and point out the principal roads which shall have the preference in order of time. I respectfully submit to the Legislature whether under all circumstances it might not be expedient to provide for the increase of laborers. The settlement of the northwestern section of this State will loudly call for road improvement in that quarter. We may anticipate the day when Georgia will enter the lists of competitors for the most splendid and magnificent works of internal improvements when, with pride, we may point to her railroads, canals and turnpikes.

But before the accomplishment of these grand objects to which nature seems to have invited the hand of art and industry, our territory must be settled, and the natural resources of our State developed, which alone can give

the true index to direct these great works. For the present, let our expenditures be chiefly confined to our great market roads, and let every portion of the State participate in the benefits. Let our roads be directed to our towns at the head of navigation; and where it is practicable let our rivers be improved, not only from thence to the ocean, but as far into the interior as can be effected by reasonable expenditures, in the removal of inconsiderable obstructions. I consider it an object of great importance that the Falls of the Chattahoochee, from West Point to Columbus, should, if practicable, be surmounted by the hand of art, so that our rising population on the border of that noble river may enjoy the immense benefits which would flow to them through that channel of commerce. In conformity with the provisions of a resolution of the last Legislature, authorizing the appointment of a competent engineer to examine and report to the present Legislature upon the practicability and probable expense of rendering the Chattahoochee river navigable from West Point, in Troup County, to the town of Columbus, an arrangement had been made, by the selection of an individual highly recommended for his qualifications, by which it was expected that the present Legislature would be furnished with the desired information. The correspondence herewith submitted will show the cause of the disappointment.

The circulating medium, or currency, of our country having long since been changed from specie coins, having an intrinsic value, to that of paper, purporting to be the representative of the precious metals, it becomes the incumbent duty of the Government, in authorizing the issue of such paper, to guard well the interest of its citizens against the frauds and devices which experience has demonstrated are too often practiced by corporations possessing banking privileges, with power to throw into circulation an unsound and deceptive paper currency. The currency of our State consists almost exclusively of the notes of our own local banks, and therefore our people have a right to expect that the solvency of these institutions should be placed upon a basis which should not subject the community to the ruinous consequences which must inevitably grow out of bank failures.

The late failure of the Bank of Macon should be sufficient warning of the instability of all such institutions. The Legislature, at their last session, expressed their confidence in the good condition and management of that in-

stitution; since which time its defalcation has proved to be deeply injurious to the interest and credit of the State, as well as to the interest of many of our honest and unsuspecting citizens. The public interests demand that an immediate and thorough investigation of the affairs of that institution should be instituted by the Legislature, and to further that object I herewith submit all the information I have received on the subject.

The privileges heretofore granted to banking companies are not to be violated. But I would unhesitatingly recommend to the Legislature the adoption of such measures as may be best calculated to insure to the people a sound currency, and prevent our banking institutions from speculating on a confiding community by extending their issues and other transactions beyond the letter and spirit of their respective charters. That love of gain which is so inherent in human nature is a constant temptation to excessive issues of bank paper; and the commercial and other contingencies to which all communities are liable subject banks thus situated to failures, whenever a general demand for specie may be made upon them for the redemption of their bills. The issue of bank notes under five dollars should be discontinued, and gold and silver coin made to supply the place of such notes. This would at all times keep a considerable supply of specie in the country, and thereby enable the banks to meet sudden pressures, and would moreover have a strong tendency to equalize the value of bank notes and coin.

I will not conceal from the Legislature that it was with feelings of reluctance that my assent was given to the acts granting banking privileges, at the last session. These feelings alone even yielded in consideration of the situation of our rising Western towns and increasing population. If banks afford any advantages to communities it was believed to be fair and right that those advantages should be extended to the people in every section of the State, and not permit the moneyed influence of the country to be concentrated for the exclusive advantage or depression of any particular section. All legislation which gives exclusive privileges to capitalists is calculated to increase the power of the rich, while the humble members of society, who are incessantly laboring at their daily avocations for the sustenance of themselves and families, have neither time nor money to participate in the profits and influence which are secured to banking and other similar corporate companies, and therefore have a just

right to complain of that government which increases the power of the rich at the expense of the poor. Equal protection and equal benefits are all that the poor man asks from his government; and nothing less will, or ought to, satisfy a citizen of this free country. But, on the other hand, the rich are seldom satisfied with equal protection and equal benefits. Their inordinate cravings for governmental favors and protection have already produced the most alarming results, such as threaten the destruction of the Federal Union itself.

The laws of the State upon most subjects of general interest have become so multiplied and complicated, and, in some instances, contradictory in their provisions, as to render a faithful, just and uniform administration of them exceedingly difficult, if not impracticable. I would therefore submit to the Legislature the expediency of providing by law for a general revision of the statutes of this State, embracing in a compact form the several statutes relating to its civil polity and internal administration, the whole to be consolidated and arranged in appropriate chapters, titles and articles, simplifying the language thereof, and all omissions and other defects supplied by the compilers, the whole of which should be submitted to the Legislature for revision, adoption, or rejection. It is believed that other States have succeeded in similar efforts to the one now proposed, and why should not we succeed? We have competent individuals who could discharge with ability the arduous and responsible duties contemplated—men of experience, general science and elevated legal standing. While I entertain the highest respect and confidence in the General Assembly of this State, I consider its structure and formation such as to exclude the hope of effecting the very desirable object herein contemplated by the ordinary process of legislation. A revised code of our present statutes, embracing their present substance in a concise, perspicuous and simplified form, can only be obtained from the labor of patient research and uninterrupted reflection, based upon talents and qualifications of the first order.

The territory embraced in Cherokee County should be divided into counties of suitable size and form to promote the convenience of that portion of our population who may inhabit that section of the State; and the organization of such counties should be provided for without unnecessary delay. The situation of the public property embraced in the fractional surveys requires immediate

legislation, which will place that portion of the public interest beyond the probability of trespass or intrusion. I would therefore recommend that said fractions be disposed of with the least possible delay, and be made available for public uses.

The various acts and resolutions of the last Legislature requiring Executive action have been carried into effect, or are in a course of execution, with the exceptions herein before pointed out. An abstract of warrants drawn on the Treasurer during the political year 1832, a list of Executive appointments made during the recess of the Legislature, and the reports made to this department by the different banks, accompany this message. Various resolutions passed by the Legislatures of several States, upon subjects of general concern, are also herewith transmitted.

A beautiful map, atlas, and well executed statistical view of the State of Maine has, by the direction of the Legislature of that State, been presented to Georgia, in a manner worthy of that patriotic State; and as the organ of Georgia, when acknowledging such favors, I cannot avoid feelings of mortification that we are no better prepared to reciprocate such kind attentions.

I might here close this communication, under the conviction of having submitted for the consideration of the Legislature the most important subjects which will require their attention during the present session; but at a time like the present, when our country is agitated from its centre to its circumference upon subjects of vital importance to the cause of liberty, and the perpetuation of our civil institutions, I deem it to be a duty attached to the trust which I occupy to give a free and frank avowal of my sentiments upon the exciting subjects before us regarding alone the interest of my country.

Upon all subjects relating to the usurpations of the Federal Government, and especially upon that of the protective tariff system, great unanimity of opinion prevails throughout this and the Southern States generally. They never will be reconciled to the present tariff, or the principles upon which it is based. They believe it to be contrary to the principles and spirit of the Federal Constitution, and the auxiliary measures by which this odious system of taxation is kept up and supported are no less objectionable than the tariff itself. The partial and extravagant appropriations of every succeeding Congress, since the introduction of this desolating and strife-stirring sys-

tem, clearly evince an abandonment of those principles of economy and republican simplicity upon which our Federal system is based.

To preserve and perpetuate the blessings of our political institutions, it is indispensable that the Federal and State Governments should be kept within the limits of their constitutional spheres of action. Intolerable assumption and usurpations, which will not yield to the ordinary influence of reason and justice, must be checked by some means; and the power to accomplish this end must unquestionably reside in the respective Sovereignities. It is inconsistent with every principle of liberty and free government for the political reserved rights of a State to be confided to, or dependent on, the decision of any power under Heaven, except it be the will of her own people. When burthens become insufferable, the time, the mode, and the measure of redress are questions which must be determined by those who feel themselves aggrieved; and this brings us at once to the questions which at this time agitate the public mind.

The people of this State have already, through their primary assemblies, as well as by their representatives in Congress, and the State Legislature, repeatedly remonstrated and protested against the protective tariff system, and declared their interminable hostility to it.

While the feelings of our people have been strong and urgent on this subject, they have, nevertheless, exercised a spirit of moderation and forbearance, under the prospect of relief being afforded before endurance would become intolerable.

We have looked to the final extinguishment of the public debt as the period when we should be relieved from the burthens of unequal taxation.

And our hopes have been strengthened and encouraged from the patriotic and independent course which has been pursued by the present Executive of the United States, in arresting, by his veto, unconstitutional measures of expenditure. This check upon the extravagant measures of Congress has been well calculated to strengthen the hope that the Federal Government might finally be brought back to the principles of the Constitution. Hitherto we have confided much in the republican doctrine, that freedom of discussion would eventually give to truth the victory over errors, without considering as we ought that exceptions must be made, where the majority believe it to be their interest to decide erroneously. But, whatever

may have been our anticipations, thus far it must be admitted that our reasonable expectations have been greatly disappointed, and that burthens of which we complain have been but partially alleviated. Nevertheless, with these discouraging facts before me, I still feel extreme reluctance at the idea of yielding up all hope of a peaceable and satisfactory adjustment of these perplexed and embarrassing questions, through the operations of the constitutional authorities of the country. The proceedings of the late session of Congress were noted with intense interest and solicitude, and with a spirit and desire to find something in the proceedings of that body tending to harmony, founded upon acts of justice, and a more sacred regard to the principles of our Federal system. But each succeeding mail, during the late long session, did but strengthen my misgivings in longer looking to that body to save the country from the threatening evils of partial, oppressive and unconstitutional legislation. Yet justice requires the admission that in the passage of the Tariff act of the late session a majority of both branches of Congress did manifest something of a spirit of conciliation towards each other. This majority, too, manifested a spirit of co-operation with the Executive branch of the Federal Government, in sustaining this act, which (although by no means a satisfactory measure of compromise) has been calculated to allay present excitement, and to check the impetuosity of the rash and violent. This act was passed by the votes of members who did not approve its provisions, but sustained it as a choice of evils. They voted for its passage in preference to disunion, or the tariff act of 1828. While I consider the principles of the late act equally, if not more obnoxious than that of 1828, yet I am bound to admit that it relieves the whole people of the United States of a portion of the burthens of taxation; and, therefore, it may be considered as an effort, at least on the part of a portion of the friends of the protective system, to modify the law, so as to make it less obnoxious to our feelings. But unless this spirit of conciliation is followed by further concessions, they do but deceive themselves, if they suppose the South will ever become reconciled. Upon a full view of the whole subject I would most decidedly recommend that our forbearance and moderation be made manifest to the whole Union, before we enter upon any doubtful or violent remedy calculated to jeopardize the existence of the Federal Union itself. Our complaints are just, and our cause

righteous; endurance is yet not intolerable; and a new Congress, under the late census, will assemble under circumstances and at a time more auspicious for calm and patriotic deliberations. I am not a stranger to the selfishness of man and of communities, but I have not yet lost all confidence in the virtue and intelligence of the American people.

If our opponents be capable of wise self-government, they must ere long be brought to see the justice of our cause, based as it is on principles no less essential to them than to us; at least, may we not hope that the common classes of the laboring people everywhere will yet be brought to unite with us against the whole system, as being designed to benefit an aristocratic few and to oppress the poor for the exclusive benefit of the wealthy. But should these, my best anticipations, be founded in error, and originate in weakness, I beseech my countrymen who are in favor of direct and immediate resistance to remember that they are required by every principle of sound philosophy, virtue and patriotism to exercise patience and long forbearance towards their brethren of the same faith and principles with themselves, in regard to the usurpations of the Federal Government. It is truly gratifying to know that the Southern people are so well agreed as to the existence of the evils complained of. This being the case, nothing but union and concert are wanting to give an irresistible moral force to our opinions and feelings, and to make ourselves formidable in any event. To obtain this desired union of action, time and labor are required. I do not consider the mode and manner of producing these joint deliberations material, nor do I care by what name such councils may be called. It is only necessary that these measures should emanate directly from the enlightened and deliberate will of the people, founded upon their inherent and unalienable rights, admitted to be extraordinary, and intended to meet a most extraordinary crisis. No State can act efficiently in sustaining her just rights against a mighty power, unless her own population are united in the policy to be pursued. I cannot consider it advisable for a single State, upon her separate action, to undertake to force a redress of grievances from the Federal Government, while her sister States, equally interested, are not even consulted as to the policy to be pursued.

Principles of common courtesy must concede to the members of the same confederacy or copartnership a

right to participate in all councils where the subject under consideration, and the policy to be adopted, are equally interesting to each member. Whenever a case, however, shall arise wherein a single State shall be oppressed by the usurpations of Federal power, and that pressure shall be confined to her local interest alone, and consequently produce no identity of feeling or interest in the other States, then I would consider it the incumbent duty of the aggrieved State to judge and act for herself, independently of the advice and opinions of others.

It is due to the sovereign character of every State of the Union to maintain its territorial rights and policy over its own population.

These are rights which can never be surrendered by a free State, or submitted to the arbitration of others. But, upon the subject of the tariff, shall Georgia undertake to redress the grievances of the whole South? Shall we not hearken to the voice and movements of our sister States who agree with us in principle and feeling? Or shall we precipitately rush forward upon a novel and untried theory, which may disgust our sister States, end in abortion, and prove to be worse than submission itself? The States which agree in principle must be brought to act in concert before they can reasonably hope to produce the consummation desired by the opponents of the protective system, as well as every true patriot and friend of the Federal Union. Separate action upon this subject is calculated to engender strife and disunion, anarchy and confusion among brethren of the same principles.

The mystical doctrine of nullification, as contended for by its advocates, has only tended to bewilder the minds of the people, inflame their passions, and prepare them for anarchy and revolution. Wherever it spreads, it engenders the most bitter strifes and animosities, and dissolves the most endearing relations of life. I believe nullification to be unsound, dangerous and delusive, in practice as well as theory. Its advocates have, with great ability, endeavored to make their theory harmonize with the principles and operations of our Federal and State systems of government. But in my opinion the very essence of their doctrine tends directly to destroy all harmony between the Federal and State governments, and must inevitably produce the most direct and vexatious conflict, whenever it may be attempted by a State to enforce the theory of nullification. I am unable to comprehend or conceive of a peaceable, constitutional harmony

which would attend a measure emanating from one twenty-fourth part of the sovereign power of the Union; which measure should stop the revenue operations of the Federal Government. Great ingenuity has been exercised to blend this new theory with the admirable principles and doctrines of state rights, as set forth and successfully advocated by Thomas Jefferson. But, after the most diligent research, I have not been able to find where Mr. Jefferson ever attempted to delude the people into the belief that when reason failed, and endurance became intolerable, a single State could, by its act of nullification, force the Federal Government to retract from its measures of usurpation. Mr. Jefferson would have called such a measure on the part of a State by its plain, proper name, resistance to intolerable usurpation.

Georgia should not suffer herself to be deluded or flattered into the belief that her rights have heretofore been maintained upon the principle and doctrines of nullification, as contended for by the present advocates. It is true, we may look back with pride and pain on our past conflict with Federal usurpation. Upon several occasions we have been compelled to throw ourselves upon our reserved rights, and resist Federal encroachment; but we have never veiled ourselves in the flimsy garment of peaceable constitutional nullification. In these delicate and highly responsible acts, Georgia has always relied on her own population, the justice of her cause, and the virtue and intelligence of the people of the United States, to sustain her unquestionable constitutional rights. And hitherto our confidence has not been misplaced; we have had able friends and advocates in every part of the Union who have stood by us in times of the greatest peril. We are at present very improperly charged with nullifying the intercourse laws and Indian treaties of the United States, when, in fact, these laws and treaties were set aside, and had become measurably obsolete, by the acts and assumptions of the Cherokee Indians themselves; Georgia, by her course of policy, has only nullified the arrogant assumption of sovereign power, claimed and set up by a remnant of the aboriginal race within her acknowledged chartered limits.

Finally, fellow citizens, let us strive to be of one mind—let our measures be founded in wisdom, justice and moderation—constantly bearing in mind the sacred truth, that a Nation or State “divided against itself, cannot stand.”

WILSON LUMPKIN.

ANNUAL MESSAGE, 1833.

Executive Department, Georgia,

Milledgeville, November 5th, 1833.

Fellow Citizens of the Senate and House of Representatives:

At no period of our political existence have the representatives of the people of Georgia assembled under circumstances more signally calculated to impress the mind with a deep sense of gratitude to Almighty God. It would, indeed, savor of infidelity not to feel duly impressed with the sense of our renewed obligations to the Great Author and Disposer of the destinies of men and of nations, for the many and inestimable blessings vouchsafed to us, His offending creatures. While the chastening scourge of Heaven has been visited upon people of both hemispheres, carrying in the train of pestilence, horror, despair and death—people of our State have not only been shielded from the wide-spreading desolation, but have enjoyed an unusual degree of health and prosperity.

Propitious seasons, a productive soil, and genial climate, have crowned the labors of our industrious agricultural population with a bountiful reward for all their toil. Our barns and store-houses are filled with plenty, and the surplus products of our labor command a price which amply remunerates the laborer for all his care and industry.

Indeed, the various avocations which diversify the labor of our citizens find an ample and speedy reward, proportioned to the skill and industry employed. Most of our people cultivate their own freehold estate, and are literally sitting under their own vines and trees, and none to make them afraid. Our prisons have no insolvent debtors—we have scarcely a pauper in the land, except a few who have become such from habits of intemperance. As a State, we enjoy the overflowing bounties of a beneficent Providence. On terms of amity with all governments, we are blessed with the quiet and peaceable possession of our long contested territorial rights, rapidly increasing in population and wealth, accumulating from the continual developments of the natural resources of our State.

Our inexhaustible mines and minerals have opened a wide field for the employment of the most extensive science, skill and industry, which is drawing to our State, with irresistible impulse, capital, skill and enterprise from vari-

ous parts of the world. Comparatively free from individual distress as well as exempt from public debt, our people are possessed of abundant means of promoting their individual happiness, as well as their political prosperity.

In the midst of all these multiplied blessings it is truly mortifying to witness the restless spirit of agitation and political excitement which has been engendered and vigorously kept up amongst the people, calculated, if not intended, to alienate their affections from their own beloved political institutions. That the value of our Federal Union should have become a familiar subject of calculation is truly alarming, and argues little for the patriotism of those who encourage discussions upon such a subject.

Who could have believed, ten years ago, that, at this early day, we should have witnessed speculative discussion upon such a theme? Or that it could have become the leading topic of a *certain* class of politicians? The Union of the States, *one and indivisible*, is now no longer the *motto* of every American citizen! These "signs of the times" speak volumes of admonition to every lover of constitutional liberty, and should fire the bosom and nerve the arm of patriotism in the cause of the Union. Notwithstanding these threatening evils, it is gratifying to see that our admirable system of free government, based upon the will and affections of the people, continues to unfold the appropriate ability contained in its structure to withstand the assaults of foreign and domestic foes. The enemies of our Government, whether open or insidious, under whatever specious form or pretext, appear to be doomed to discomfiture whenever they attempt to alienate the affections of the people from that Government which is emphatically the offspring and nursling of their effort and care.

The people may alter and change, as to them may seem fit; but that they would destroy that mighty governmental fabric, reared by the toils and cemented by the blood of their fathers—merely for the aggrandizement of selfish demagogues and strife-stirring politicians—*is not to be expected*.

The spirit that guided our Washington has hitherto pervaded and saved our country. The champions of civil and religious liberty, of popular rights and constitutional government, have thus far succeeded and triumphed over all opposition. Therefore, we should not be dismayed at the symptoms of yielding integrity and treasonable ambi-

tion which have been engaged in estimating the value and threatening the dissolution of our Federal Union. I am willing to charge the errors of all such rather to selfish delusion than traitorous designs; and will therefore hope that the clouds which, at present, overshadow our political horizon may quietly pass away before they gather into a ruinous tempest. But it has been truly said that "the condition on which God granted liberty to man is perpetual vigilance." We, therefore, fellow citizens, as the sentinels of the people, should exercise the most unceasing vigilance, and suffer not ourselves to be led astray "by every wind of doctrine." Let us follow in the footsteps and adhere to the doctrines of Washington, Jefferson and Madison, and, so far as the influence and example of Georgia will extend, our Republic will be safe.

The drawing of the lotteries, which was in progress at the last session of the Legislature, was completed about the first of May last; and the act of the Legislature, providing for the organization of ten new counties out of the territory thus disposed of, has been carried into effect; and we have now a settled freehold population on every part of our territory competent to the administration of our laws, so far as to secure most of the blessings of our system to those whose enterprise has led them to become settlers in that interesting section of our State, hitherto the abode of a people wholly unqualified to enjoy the blessings of wise self-government. The accomplishment of this great and desirable object to our State has been attended at every step with the most unrelenting and obstinate opposition. The unfortunate remnants of the Cherokees have for years past been made the dupes and instruments of selfish and ambitious politicians, whose restless spirits have urged them to acts of mischief degrading to humanity itself. In the early part of the present year another earnest and liberal effort was made by the President of the United States to effect a treaty with the Cherokees, having for its object their entire removal beyond the Mississippi, which object, it is believed, was defeated alone by a few of the interested half-breeds who are evidently under the influence of political men who stand opposed to the true interest of the Indians, as well as that of the State. The failure to effect a treaty has not, however, prevented a continuance of our efforts to effect the object of removing the Indians at an early day as possible. Another opportunity for enrollment for emigration has been extended to such as may be disposed to

remove; and I am gratified to learn that many of the intelligent and influential among them have availed themselves of the liberal terms proposed. Therefore, the day cannot be distant when the State will be entirely relieved from the perplexities occasioned by this portion of its population. It will, however, become the duty of the Legislature at its present session to revise and amend our laws providing for the government and protection of the Indians. Experience has already exposed many defects and ambiguities in the existing laws on this subject which should be speedily remedied. In our anxiety to provide for the welfare and protect the rights of this unfortunate race, we have in some instances given advantages to the native population over our white citizens; which advantages, when exercised under the influence of selfish counsel, become oppressive to our white population who are, certainly, not less entitled to the protection of our laws than the native race, however just may be their claims on the sympathies of an enlightened government.

Under our existing laws the reservations of land secured to the natives during their pleasure are, in many instances, unreasonably large, and ought to be curtailed by judicious legislation.

I would also claim the attention of the Legislature to another description of native claims, which involves considerations of the greatest importance to the interest and honor of the State. A class of the individuals, chiefly of the white and mixed blood, and who claim the right of natives within the limits of Georgia, are persons who, under the Treaties of 1817 and 1819, took valuable fee-simple reservations of the best land then ceded, under an expressed written determination to become citizens of the United States, and, consequently, abandoning all their claims of rights or privileges as a part or portion of the Cherokee Nation.

Nevertheless, these persons have since sold and disposed of their reserved lands, thus taken, for large considerations of money for their individual benefit, and have since gone into the country still occupied by the remnant of the Cherokees, and again made selections and settlements on the most valuable lands of that portion of their people who had not participated in an equal degree with themselves in the benefits of the treaties referred to. Moreover, these very individuals, by their superior intelligence and advantages of education, have had the address to regain an influence over the Cherokees, whom they had once

abandoned to their fate, so far as to rule, govern and influence them in all matters relating to their most important interest, and have been for years past, and continue to be, the prime and efficient cause of preventing the Cherokees from yielding to the liberal and beneficent plans of the Federal Government for removing them to the west of the Mississippi. The insolence and mischievous influence of these individuals should no longer receive the indulgence or countenance of extraordinary privileges from the Federal or State Government, but should be treated by both governments as intruders of the most assuming character.

The lands now in the occupancy of these persons under our existing laws ought to be granted to the drawers, who are the rightful owners and who have been restrained from the occupancy by the laws of the State now in force.

These persons have already done their own people, the State of Georgia, and our common country great and serious injury. They have been the dupes and instruments, at home and abroad, of desperate political agitators, whose factious spirits are unbridled by the restraints of virtuous patriotism.

A judicious and well regulated system of public economy requires that the people and their representatives should be perfectly familiar with the financial condition and resources of the State. No branch of political economy requires greater skill, wisdom and prudent forecast, in a government like ours, than that of devising the ways and means to meet the expenditures which popular opinion seems to demand. At this time the general voice of every political community is raised in favor of *general education*, as well as a liberal cultivation of the arts and sciences. Nor is the demand less urgent for the most splendid works of internal improvement. All this I deem to be proper enough—no one desires the advancement of the country in these important objects more than I do—but true dignity consists in living within our circumstances; and let us, therefore, scrutinize our means. The people of Georgia have long enjoyed the overflowing bounties of their rich and extensive territorial inheritance, but these advantages as a source of public revenue now no longer exist. The present financial resources of the State consists of a capital of about *two and a half million* of dollars, upwards of one million of which is composed of the stock owned by the State in four of our incorporated banks; about one million of the notes of citizens discount-

ed by the Central Bank; and the balance of various items, including specie, bonds, notes, canal stock, and other evidences of debts due the State. In addition to the foregoing, the State still has a scattered remnant of fractional lands which, by prompt and appropriate legislation, might be made available for public purposes. The aggregate annual profits accruing to the State at this time upon her various investments amounts to the sum of about *one hundred and twenty thousand dollars*.

This brief view of the present condition of the resources of the State will, at one glance, urge upon the consideration of the Legislature the necessity of adopting such systematic financial operations as will direct the present course, and must determine the future prospects of the State.

After much reflection, I would respectfully recommend to the General Assembly such legislation as may tend finally to bring all the public assets of the State under the immediate control and management of its own agent, the Central Bank; and further to invest that institution with the necessary powers to enable it to act efficiently in the collection of the debts due the State. The present vested capital of the State should be considered a permanent fund, the annual profits of which should be scrupulously applied to great public objects of acknowledged utility. And while the whole people are enjoying the benefits which are constantly flowing from this, their permanently vested capital, I would recommend that no more taxes be exacted from them than what may be sufficient to defray the ordinary expenses of an economical civil government, which will be scarcely felt by the people, and at the same time serve to remind each individual, annually, that he is a citizen and component part of the Government.

Under the provisions of the act of the Legislature, passed on the 24th day of December last, a receiver of the assets of the Bank of Macon was appointed by the Executive; but the report of that agent will show that he has been wholly unable to effect the objects contemplated by the Legislature. The report, together with copies of the correspondence on the subject, is herewith submitted, and may aid the General Assembly in determining upon the expediency of further legislation on this subject—at least, it will become necessary to provide for the payment for services already rendered, under the direction of the State,

with a view to effect a fair and legal settlement of the affairs of said Bank.

The dishonest and fraudulent management of banks, so frequently developed, admonishes the Legislature most urgently to interpose its entire constitutional authority to shield the people from the desolating effects of legalized swindling. During the last year the public confidence was greatly shaken in the soundness of the paper currency of our State by the failure of the Bank of Macon; and before the people had recovered from the shock and losses suffered by it, their fears and forebodings were greatly increased and confirmed by the failure of the Merchants and Planters Bank of Augusta. The developments already made in regard to the Bank of Macon evince the important fact that, if banks are not managed with fidelity and skill, the ruinous effects which must ensue will fall chiefly upon the honest and unsuspecting laboring class of society, who are unable to contend against the combination of legal subtleties which will always be united to divide the spoils of a disastrous bank corporation.

Corruption on the part of a bank officer should be deemed a highly penal crime, and punished accordingly. My general views in relation to these institutions, and their connection with the public interest, remain unchanged; and, having been fully communicated to the last General Assembly, I deem it unnecessary to reiterate the sentiments therein contained. Copies of all the bank reports made during the present year, under the provisions of our existing laws, are herewith submitted to the Legislature, which will enable the representatives of the people to judge of the present state and condition of these institutions, and will show to what extent they have complied with the requirements of the law.

The history of our own time urges upon the consideration of every informed and reflecting citizen the indispensable necessity of increased exertions to educate the rising generation. We need some system which will produce a general effect, and operate beneficially upon the whole community. Our republican institutions can never be considered safe and stable while a small number of individuals, however talented, can lead and misguide whole communities to the very brink of ruin! When the number of educated men in a political community is so few as to be chiefly confined to one or two *professions*, who may, therefore, the more readily unite their efforts to control and direct society, with a view to their own selfish

aggrandizement, the liberties of the people must be endangered. The conservative influence of education is greatly needed in our State. The general system which may be best calculated to impart over our whole people the blessings of a competent business education cannot fail to promote individual happiness, as well as greatly to strengthen the bonds of our political institutions.

It is not necessary that our sons should all be college bred gentlemen. I care not for names. If our children can receive adequate instruction in the solid and useful branches of science, it is immaterial with me whether they acquire it in universities, colleges, academies, lycæums, *work shops*, or manual labor schools of any description whatever. The great object to be effected is to give the plain working man an education which shall make him intelligent, virtuous and useful; and which shall place him upon the ground of hopeful competition with the professional classes, who are assuming the lead in the entire government of the country.

I rejoice at the gradual growth and increasing prosperity of Franklin College. This State institution merits the continued patronage of our whole people—at this time I consider it entitled to the confidence of the people—and that it should receive the liberal support of their representatives. The literary and moral worth of the President and Faculty, together with the increased facilities of books and apparatus, afford the most flattering assurances of its future and permanent usefulness; and I trust that our State may yet be remunerated for all she has or may expend in support of that institution. But in relation to our other expenditures for purposes of public education, I do not feel authorized to speak thus flatteringly; for the annual expenditure of upwards of *forty thousand dollars* for the support of academies and poor schools, though well intended, is, in reality, effecting but little good. It is obvious to me that we have experimented long enough upon our present system of academic and poor school education; and that we should no longer be content with acknowledging existing imperfections, but that we should at once attempt an entire renovation of the system. In making this change, this important fact should be constantly kept in view: that to make education truly valuable, while the mind is cultivated and disciplined, the pupil should be carefully trained to habits of industry and morality.

To make the rising generation better, wiser and happier, and at the same time eradicate or diminish poverty, oppression and crime, should be the leading objects in establishing a general and well based system of public education. With a view to promote these great objects, I respectfully submit to the Legislature my deliberately formed opinion that, in order to insure success, it is indispensably necessary to connect with the education of our children regular and systematic manual labor. I believe that children in a well regulated institution, designed for useful education, should be taught various arts of lucrative labor; so that in due time they may be able to earn a comfortable living by the labor of their own hands. From my observation on the subject of education, and from all the information I have been able to procure from others, I consider that system of education best which keeps youth most constantly employed, body and mind, and which exercises the most unceasing vigilance and control, day and night, excludes all vitiating associations and practices, and which superintends even the amusements and social intercourse of the pupil. Another idea, not less important, urges upon our consideration the expediency of connecting manual labor with a system of public education. The most vigorous constitution, without exercise, is soon wasted by disease and decay; and a full development of the powers of the mind, in such cases, is rarely attained by the most diligent application. If "*bodily exercise*" be thus "*profitable*" in the development of the physical and mental powers of youth, I consider employment in the mechanical arts, and especially agriculture, as being far preferable to those plays and pastimes which at present occupy so much of their time, and in which they engage without any sensible or rational object of utility whatever. A self-supporting system of education is also desirable from the important consideration that it is calculated to level those distinctions in society which arise from the inability of the poor to educate their children in our existing institutions. In recommending a change of our system of poor school education I would, by no means, be understood as recommending a reduction of the funds appropriated to that object, but as proposing such an improvement of the system as will more profitably employ that fund for the benefit of the poor, and as will have a tendency to bring them nearer to the level of the wealthy.

Every year's experience affords additional evidence of the correctness of the views heretofore communicated to the Legislature, by myself and predecessors, in regard to the defective condition of our militia system. The Executive has not the power to correct these imperfections which have so often been pointed out, without the co-operation of the Legislature.

The reports of the keepers of the public arsenals at this place and Savannah are herewith transmitted. From an experiment made upon a few hundred of muskets which have been returned to the arsenal in this place, out of repair and greatly injured by rust, I find that the guns belonging to the State, in like condition, may be put in good order, at an expense of one dollar each. Would it not, therefore, be economy for the Legislature to provide for collecting and cleaning the scattered arms of the State?

Under the authority of a joint resolution of the General Assembly, approved on the 22d of December last, William Schley, John A. Cuthbert and Joseph Henry Lumpkin, Esquires, were appointed by the Executive "to prepare a plan for the Penitentiary buildings, digest a system of laws for its government and organization, and to revise and amend the penal laws of this State, so far as relates to the punishments which that code prescribes, and report the whole to the next General Assembly."

I am apprised that the report of these gentlemen is in a state of preparation, and will, in due time, be laid before the Legislature.

Not having been directed to be submitted to the Executive, but passing directly to the Legislature, I deem it inexpedient to venture a remark on the several important subjects embraced in the report. The character of these gentlemen as jurists justifies the expectation that the views to be submitted by them will be useful to the Legislature, and to the country, and as the preparation of their report has required much time and labor, it is therefore to be expected that they will be suitably compensated.

The annual report of the Inspectors of the Penitentiary, required to be made to the Executive, in conformity with the provisions of the act of the last General Assembly, is herewith submitted. Since the report has been received at this department, there has not been sufficient time, from other indispensable duties, to investigate its details with that scrutiny which has heretofore been customary

and which is always desirable. It is believed, however, that the operations of the past year have, under all the circumstances, been successfully conducted for the interest of the institution and of the State. In our efforts to sustain the institution we should profit by past experience, and introduce improvements as fast as circumstances and a due regard to economy will admit. With one additional remark I will dismiss the subject of the Penitentiary, and that is: that our leading policy should be to make the institution maintain itself. The honest part of society feel a repugnance at the idea of laboring to support the convicts of the penitentiary. Therefore, their comforts should be procured from their own labors which, under skilful management and good discipline, is the best means at our disposal for effecting the great objects of penal punishment by preventing crime and producing reformation.

The reports of the superintendents of the public hands will present to the Legislature the operations, progress and success of that branch of the public service during the past year, and which, under all the circumstances, authorize the belief that the agents entrusted with the improvement of our public roads are entitled to the public confidence and approbation.

My general views, heretofore submitted to the Legislature on this subject, have undergone no change, but it devolves on the representatives of the people, and not on the Executive, to determine whether the present system shall be abandoned or be sustained by such legislation as has heretofore been suggested.

No one can feel more gratified than myself at the manifestation of the rising spirit of enterprise which has characterized the proceedings of our fellow citizens, in various parts of the State, in regard to the works of internal improvements. This spirit should not be checked, but encouraged by the Legislature. Every citizen and section of the State should have the lawful privilege of investing their capital according to their own views of profit—guarding, at the same time, the interest of the residue of the community from injury being sustained by any exclusive privileges which may be granted. Our past experience, however, should admonish us to be cautious how we entangle the State, by becoming partners with individuals, or corporate bodies of men. Such associations between government and its citizens are considered dangerous to equality and liberty. The favored capitalist

who becomes a partner with the government rarely fails to assume some unusual consequence on account of the association; and generally the result is that the government is left to bear the burthens of the concern, while the individual partners reap the whole profits, or abandon the project before anything is advanced except by the Government.

If the State should at this time determine to enter upon any great work of internal improvement it should be a central railroad through the entire State, beginning at the best emporium on our coast and proceeding from thence in a direction best calculated to benefit the largest portion of our population, to the base of the mountains. A well constructed railroad, through the centre of the State, being once completed, it would be speedily intersected by various roads from all parts of the State at the points most needed. The great highway of commercial intercourse being thus permanently established, nothing could then hinder the progress of internal improvement in Georgia, to the full extent which utility might dictate. To effect anything permanently useful it is necessary to concentrate the public mind to one great central object, which shall be considered and patronized as a State work, designed for the benefit of the whole people. The credit and resources of our State should not be expended upon local or partial works of internal improvement. Our commencement must necessarily be accurate surveys, upon which true estimates may be predicated, and this can only be obtained by the services of a skillful and well qualified engineer. In connection with this subject, the views of a highly respectable and numerous portion of our fellow citizens of Savannah and Macon, herewith submitted, are entitled to the most deliberate and respectful consideration; as also the report of the Commissioners, John G. Polhill, Hugh Lawson, and Moses Fort, Esquires, who, under a resolution of the last Legislature, were appointed and instructed to examine the port of Brunswick and the railroad avenue to Altamaha; which report, and various other documents, are herewith laid before the General Assembly.

Savannah, the first settled point and long established emporium of our State, has, for years past, contended against a rivalry which has not only paralyzed her advancement, but must eventually annihilate her prosperity as an important commercial city, unless she is sustained by liberal legislation.

Many considerations connected with our history as a State forbid the abandonment of our first and most important seaport town, unless the interest of the great body of the people of the State shall require such a course. The great question which should now be settled is, whether the interest of the people of Georgia will be most effectually promoted by a determination to sustain and build up Savannah, or whether we should look to Brunswick, Darien, or some other port, as possessing equal or superior advantages. The reason why this question should now be settled is obvious. If we commence a great central channel of commerce, we should commence at the ocean and proceed to the mountains. The State should have but one work of this description on hand at a time; and that should be directed with the single view of benefiting the greatest number of our citizens. Various considerations admonish every true Georgian to lay aside his local and sectional prejudices, and to exercise a magnanimous spirit of patriotic State pride, which will secure to himself and fellow citizens those commercial advantages, which the God of Nature designed for the people who should inhabit this favored portion of the confederacy. It would be mortifying, indeed, to see the immense products of our own State withdrawn from their natural channels of destination (our own extensive Atlantic coast to Charleston and the Gulf of Mexico) merely for the want of industry and enterprise on the part of our own citizens! Not only the products of our own State should be shipped from our own ports, but, by timely and judicious measures of internal improvement, a very considerable portion of the western trade might be drawn to the ports of Georgia, which is believed to be the best and most natural channel for much of that trade. The immense and superabounding products of the great and fertile West are more than sufficient to glut its only natural outlet, New Orleans. Therefore, the surplus products of that fertile region must necessarily seek a market elsewhere. Hence we have witnessed the successful efforts of New York, Pennsylvania, Maryland and lately Virginia and South Carolina, to obtain a portion of the Western trade by their canals, rail and turnpike roads.

Should not Georgia strive for a part of this immensely valuable trade? The eastern counties of Tennessee are nearer to the coast of Georgia than any other Atlantic market, and it is confidently believed that if we had a suitable channel of commerce, or, in other words, a good rail-

road, from a seaport in Georgia to the mountains, it would be extended without delay to the heart of the great West. The great mountain barrier which separates the Western from the Atlantic waters can, it is believed, be more easily overcome, and at far less expense, in Georgia than in any other of the Atlantic States.

Under the authority of a joint resolution of the General Assembly, passed at the last session, William Nichols, Jr., Esq., a gentleman of high qualifications, was duly appointed by the Executive, and has made the necessary surveys, to ascertain the practicability of a commercial communication between West Point, in Troup County, and the town of Columbus, which report is in a state of preparation, and will be laid before the Legislature at an early day of the present session. The information collected by this examination and survey will enable the Legislature to determine what can and ought to be done to improve the commercial facilities of that interesting section of the State.

In pursuance of the provisions of a resolution, approved the 24th December last, the improvements on the fractional surveys of the land in the Cherokee Territory have been rented for the present year, and the notes received for the rent have been deposited in this department, subject to the direction of the Legislature. The reports of the Commissioners who performed this duty are herewith submitted, and will afford full and detailed information on the subject. Various resolutions, passed by the Legislatures of a number of States of the Union, on subjects of general concern, have been transmitted to this department, with a request that they should be laid before the General Assembly of this State, and are therefore respectfully submitted for your consideration. Many of these documents are so voluminous that it has been found impracticable to furnish copies for the convenience of the respective branches of the Legislature; the originals of such are, therefore, transmitted to the House of Representatives. No recommendation or comment on the part of the Executive is deemed necessary in regard to the resolutions submitted, except those passed by the Legislature of Alabama, on the subject of the boundary line between that State and our own; and those from the State of Pennsylvania, on the subject of the "entire abolition of lotteries."

The importance of an amicable, speedy and definite adjustment of the boundary line between Georgia and

Alabama is too obvious to require argument; and the plan proposed by the Legislature of Alabama is entitled to the respectful consideration of the representatives of the people of Georgia. The resolutions, together with the correspondence which has passed between the Executive of the two States, will urge the expediency of an early attention to this subject. And I would recommend to the Legislature a course which may afford full evidence that Georgia is prepared for the most ample investigation of her claims, and that she seeks nothing but that justice from others which will alone be satisfactory to herself.

I concur with the public authorities of the patriotic State of Pennsylvania in respectfully recommending your cordial co-operation with the Legislature of that State, in effecting the abolition of lotteries.

The survey and settlement of the entire territory of the State having been accomplished, I would respectfully recommend to the Legislature that immediate provision be made for executing a splendid map of Georgia. In order to construct an accurate map of the State it will be necessary to cause a re-survey of the county lines of that part of the State situate between the Savannah and Oconee rivers.

The numerous acts and resolutions of the last Legislature requiring the action of the Executive have received prompt and due attention, by carrying into effect the objects contemplated by the Legislature, or by placing them in a course of execution, which, in due time, (as far as may be practicable) will insure their completion.

A statement of Executive warrants drawn on the Treasurer during the political year 1833, and a list of Executive appointments made during the recess of the Legislature, are herewith submitted.

Fellow Citizens:

Under a deep sense of the magnitude of our responsibilities, suffer me to remind you that, as American citizens, a beneficent Providence has placed us upon a lofty eminence. The eyes of all the world are directed to the people of these United States. To us, as a people, has been entrusted, upon a large scale, the experiment whether the people can govern themselves without kings, nobility or standing armies. To us belongs the distinction of demonstrating that millions upon millions of free and equal citizens may dwell together in peace and prosperity, exercising all the prerogatives of wise self-government, without tumult, anarchy or domestic wars. And to insure and

perpetuate these inestimable privileges to our posterity we should always bear in mind that our people must be *virtuous* and *intelligent*. Ignorance and vice are opposed to liberty. Religion, *without* religious establishments, affords the best guarantee of the perpetuation of our republican system. The principles inculcated by the Savior of man, in His sermon on the mount, will make a people obedient to laws emanating from themselves and administered by a citizen magistrate of their own choosing, without the aid of mercenary legions, and the pomp and frown which are the attendants of despotic and arbitrary governments.

That the creating power of the universe may clothe us with a spirit of republican simplicity, equality and liberty, and guide the onward march in that course of policy which shall insure to posterity the unfading inheritance of equal rights and free governments, is the fervent prayer of

Your fellow citizen,

WILSON LUMPKIN.

SECOND INAUGURAL ADDRESS.

November 6th, 1833.

Fellow Citizens :

By the voice of the people I am a second time called to the Chief Magistracy of the State, and now appear before you for the purpose of solemnizing the obligations which I am under to discharge, with fidelity, the duties of the high trust confided. Experience has not only taught me to feel the full weight of the responsibilities which were in the first instance anticipated ; but I am convinced that the most pure and zealous devotion requires the aid and support of the people to crown with success the efforts of any public functionary.

My own abilities can effect but little good unless I am supported by my constituents ; but, however humble my pretensions may be, I shall be faithful to the laws and constitutions of my country, duly regarding the opinions of my fellow citizens, with whose seal of approbation I have been so often and highly honored. But with all my veneration for public opinion, and deep-felt gratitude for past confidence, I am ready, if it be necessary, to sacrifice

my present standing upon the altar of my country's good, by sustaining the Democratic principles upon which I have acted throughout the whole of my public life. When the foundations of our Republic are in danger, personal and selfish calculations must be excluded. I shall move forward in the path of duty, regardless of consequences to myself. I shall shrink from the performance of no duty, however painful, and no responsibility, however severe.

I shall look to the welfare of the whole State, and not consider myself the advocate of any local or private interest. I shall constantly bear in mind that we are all citizens of Georgia, as well as citizens of the United States—that we owe our allegiance to both governments—that both governments are ours, and are equally indispensable to our happiness, prosperity and liberty. That each should be kept strictly within their respective constitutional spheres, and, finally, that he who would destroy the sovereignty of the States by *consolidation*, or the Federal Union by *nullification*, is a traitor to liberty, and deserves the universal execration of mankind.

The foregoing having, at the time of its delivery, created some excitement, and gave rise to some animadversion in the Legislature, on the part of my opponents, and counter feelings and replies on the part of my friends, and attempts having often been made since to use the closing sentence in that address to my disparagement, I deem it proper here to state that, after a lapse of nearly twenty years, and after all excitement has passed away, I am not disposed to modify or change a single sentiment contained in that address. The offensive sentence reads: "That he who would destroy the sovereignty of the States by *consolidation*, or the Federal Union by *nullification*, is a traitor to liberty, and deserves the universal execration of mankind." The obvious import of the sentence is, and, as I think, expressed without ambiguity: That the enemies to our Federal Union—those who desired its subversion, whether *consolidationists* or *nullifiers*—deserved universal execration. Thus intending, in strong language, to express my abhorrence of both consolidation and nullification, as well as my devotion to the Union. I was accused of denouncing my opponents, the *nullifiers*, as traitors, and as degrading my position in so doing. But my intention was to denounce *doctrines* which I deemed fatal to the harmony of the Union—*consolidation* no less than *nullification*; and to denounce those, and only those, who advocated those doctrines, with a *design* to

destroy the Union. I have always believed that very many of the advocates of these *extreme* doctrines were amongst the most patriotic and devoted friends of our Federal Union.

From the days of Alexander Hamilton to the present hour the leading men of the Federal party have, by a liberal construction of the constitution, and various other devices, exerted all their powers to enlarge and strengthen the powers of the Federal Government—to enlarge its sphere of action to an extent that would leave but little for the States to do.

None but those who are familiar with the political scenes then transpiring from day to day can fully realize the true position which I occupied at this time. I was a most unwavering, decided *States' Rights* man, opposed to Federal usurpation and encroachments of every kind; and, as Governor of one of the sovereign States, I was every day in the full tide of successful experiment in putting down Federal usurpation within the limits of Georgia. But in the exercise of this State sovereignty over the Indians within our acknowledged limits, none could point a finger to the violation of any clause in the Federal Constitution. I was only dispensing with a long assumed power of the Federal government in the management of Indian affairs, and Indian rights, in one of the sovereign States of the Union.

But, because I could not assent to the mystical doctrines of nullification as the rightful remedy to correct the evils of the protective tariff, I was accused of all sorts of inconsistency, and as contradicting my own words and acts at every step. Indeed, I found it exceedingly difficult to keep many of my friends and supporters from being misled by the efforts of my opponents. I could, however, whenever a fair opportunity offered, satisfy any sensible man that our obsolete legislation for and over the Indians within our own State limits was one of our reserved rights which could not be conceded to the Federal Government; and that the Federal Government dare not nullify our State laws upon this subject—all of which has been sustained by subsequent history. But I will return to the anticipated order herein before suggested, and give my annual message of 1834.

ANNUAL MESSAGE, 1834.

Executive Department, Georgia,
Milledgeville, Nov. 4th, 1834.

Fellow Citizens of the Senate and House of Representatives :

You are now assembled as the immediate representatives of a free and enlightened people, an intimate and minute knowledge of whose circumstances and wishes will be your best guide in all your official deliberations. Nevertheless, the Constitution makes it my duty to give you information of the state of the Republic, and to recommend to your consideration such measures as I may deem necessary and expedient.

We are menaced by no foreign wars, or general calamity; the blessings of bounteous Heaven are still heaped upon us in rich profusion; and yet we are admonished to weigh well and scrutinize passing events, for the voice of political strife and discontent is still heard in our land. Whether the extraordinary political excitements of the present day originate from the corruption of men in office, or from factions and ambitious demagogues who are rising up in every part of the country, must be decided by the unofficial sovereign people themselves. Guarded and balanced as is our form of government, I indulge no gloomy apprehensions for the result of any party contest, based upon political principle; because I feel assured that the people will finally decide in favor of those principles which will best secure their rights and liberties. Selfish and factious combinations, however, advised and directed by ambitious leaders—having unity of action, but none of principle—may furnish the elements for political whirlwinds, tending to the destruction of every vestige of regulated liberty. The progress of our republican institutions has, thus far, continued to exalt the American character throughout the civilized world. Here, the character of man has been elevated by a general diffusion of that spirit of equality and liberty, based upon the true principles of philosophy, which discard the idea of all superiority or distinction, save that which arises from intrinsic merit and real worth of character.

The love of liberty predominates in the breast of every American citizen. Let this love of liberty be regulated by a strict adherence to our fundamental laws, or constitutions, emanating from the people themselves, and the

bright examples of our glorious institutions will, ere long, pervade the habitable globe. Whatever defects may be found in the Constitution of our country, it must be admitted that our system, as a whole, guarantees the equal rights of the people, and secures to them the power of correcting, in a peaceable and constitutional mode, all mal-administration of their Government, and of faithfully enforcing the true spirit of their economical system.

"The law is good, if a man use it lawfully;" but good constitutions and good laws will be of but little value unless they are faithfully administered. Under our system of government, the administration, whether for good or evil, depends upon the people themselves; for the government itself rests upon the shoulders of every free citizen.

The people, governing themselves through their constituted authorities, must, therefore, correct abuses, check usurpations, and aid and support those whom they have called to make and administer their own laws, in a faithful discharge of their official duties.

In the administration of the laws of this State during the past year, no extraordinary embarrassment has occurred to the public authorities, or to the citizens, except that which has arisen out of the peculiar relation in which our remaining Indian population stand to the whites.

When the necessity became obvious to our whole people of extending not only the jurisdiction of our State over our entire territory, but of surveying the whole, and granting most of our unlocated lands, with a view to its complete organization into counties, for the regular and efficient administration of the laws of the State, justice and expediency both demanded that liberal provision and ample reservations should be made in favor of the natives who still remained within the limits of our State. By a careful examination of the past legislation of the State upon this subject, it will be seen that the welfare of the Indians has never been lost sight of by the people of Georgia, or their public functionaries, where that welfare has not been brought in direct conflict with the exercise of the indispensable political rights of the State.

The act of the General Assembly, passed the twenty-second day of December last, "More effectually to provide for the government and protection of the Cherokee Indians," and for other purposes therein named, has met with considerable obstruction in carrying into effect the views and intentions of the Legislature, such opposition

and obstruction as cannot be overlooked by the present Legislature, without prostrating the rights of our citizens and the sovereignty of our State at the feet of a combination of interested individuals and half-civilized men, supported and sustained, as they are, by the Judge of the Superior Courts of the circuit in which these Indians chiefly reside, and countenanced, at least, by a majority of the Judges of the Superior Courts of this State. The efforts of the Executive to have said act faithfully executed, and the instructions given to the agent appointed under its provisions, may be seen by reference to the documents accompanying this message. These documents will also explain, in some degree, the nature of the obstructions alluded to. The injunctions sanctioned and sustained by the Judge of the Cherokee Circuit are believed to contain assumptions of power on the part of the Court never confided to any judicial tribunal in these United States, either by the Constitution of the United States, or of any one of the States of the Union. The Supreme Court, in the cases of *Tassels* and the Missionaries, by no means equalled the jurisdiction assumed in these injunctions. This power, too, has been assumed by a Judge, chosen by the representatives of the people for the sole purpose of administering the laws of the State in that particular circuit, yet has he sanctioned and sustained bills of injunction which go to deny the authority not of the law only, but the entire legislation of the State in that circuit. He has sanctioned and sustained bills which directly bring in question the validity of every law, and the legitimate functions of every department of our government—not even excluding the questions of his own judicial powers over the Cherokee Circuit. The Executive has found its authority, as well as that of the Legislature, not in a single instance only, but throughout their entire constitutional range, insultingly disputed and denied in these bills having the official sanction of the Judge of the Cherokee Circuit. The questions, therefore, at issue, judging from the face of these bills, involve nothing less in magnitude than the opposing political rights of two people equally claiming and contending for the exercise of sovereign powers over a certain territory, or district of country. These sanctioned bills of injunction allege that the statute of Georgia referred to is null and void, because contrary to the Constitution of the United States, as well as the Constitution of Georgia. Indeed, the whole question embraced in these bills depends upon the right of the State of Geor-

gia, in her legislative capacity, to enact the statute referred to, providing for the government of the Cherokee Indians within the limits of the State, and equally extends to her entire legislation on the subject.

In confirmation of the view which I have taken of these transactions, it is understood, from the highest sources of information, that the counsel for the Cherokees in the argument of these cases, especially the one brought before the Convention of Judges, relied mainly on the unconstitutionality of the act of 1833. The argument upon the subject having long since been exhausted, and the question having been abandoned by the most respectable of those who heretofore contended for the national sovereignty and independence of the aboriginal tribes, I deem it unnecessary to reiterate upon the present occasion the conclusive arguments which might be adduced to silence the pettifogging attempts which are now confined to our own limits and jurisdiction. If the laws of Georgia, enacted by the immediate representatives of her people, violative of no constitution, human or Divine, can be nullified by a few interested lawyers, and one solitary Judge, then, indeed, it is a vain boast for the people of Georgia to talk of their sovereign rights and powers. Georgia, having nobly and successfully vindicated her local and territorial rights for more than a half a century against Federal usurpation and foreign intermeddling, until opposition to a free exercise of those rights no more interrupts her peace from abroad, is, nevertheless, at this moment harassed, annoyed and retarded in her policy by her own citizens, whose first duty it is to aid in the faithful execution of the laws of the State.

It was obviously the intention of the last Legislature that the grantees of all land authorized to be granted should immediately go into the possession of their lands, and that the same act which authorized the grants to be issued made it the duty of the courts to protect them in the peaceable and unmolested possession of the same. But, so far from these citizens being sustained in the rights and privileges guaranteed to them by an expressed statute of the State, they have, without evidence, without a trial by jury, been prohibited from entering into the enjoyment of their possessions, by the extraordinary and arbitrary mandate of the Judge of the Superior Courts of the Cherokee Circuit. Instead of the Indian complainants seeking a remedy for their supposed wrongs at common law, to which they were entitled, they have resorted

to what is termed a court of equity in cases not proper for the action of such a court, and have been sustained by the unauthorized exercise of the extraordinary power of that court, in prohibiting our citizens, under severe penalties, from the exercise of their legal rights, on the partial and one-sided statements of Indians who were interested; and that, too, before the opposing claim had been submitted to the honest and independent decision of a jury. The deprecated effect produced by the conduct of a Judge in reference to these bills has been to revive the delusive and expiring hope of the Cherokees that they would be sustained in their unreasonable pretensions to the rights of independent self-government, within the chartered limits of Georgia. They have seen our own citizens vindicating their extravagant pretensions with a zeal bordering on fanaticism, and denouncing the authorities of the State, merely for a faithful, yet mild, administration of the law.

Thus, their visionary prospects of success have encouraged and strengthened all their former prejudices against the people and government of Georgia.

In the midst of these strifes, the President of the United States, with his unfaltering fidelity to the true interest of the Indians, as well as to the States, made another effort to settle these long-standing perplexities with the Cherokees, by causing a treaty to be entered into with a delegation of that tribe then at Washington, the terms of which were unparalleled in liberality to the Indians. But, for reasons best known to that body, the Senate of the United States declined acting upon the treaty, and consequently the object of the President has thus far been impeded. Nevertheless, the important object of the removal of the Cherokees has not been abandoned. The liberal terms embraced in the treaty are still open to the Indians. But, from all the information in the possession of this department, it is believed that these perplexities will never be brought to a happy issue, so long as the Indians are induced to believe that the laws of the State and its policy towards them can be thwarted, evaded, and overruled by their white friends in Georgia, aided by our own State courts.

The correspondence, and other documents herewith submitted to the General Assembly will tend to exhibit the true character and causes of the various excitements which have been produced in the Cherokee section of the State during the past year, as also the manner in which

they have been disposed of by the Executive, in the absence of appropriate legislation to meet such cases. By a careful examination of these papers it will be seen that many of our citizens have been exposed to all the apprehensions of savage ferocity. While it may be admitted that the fears of the community have been in some instances indulged to an unreasonable extent, yet it is not to be concealed that many individuals have been exposed to apprehensions and great hazards, several horrid murders having been committed upon unoffending citizens and distinguished natives who were favorable to the policy of the Government upon the subject of emigration, while others have but narrowly escaped attempts equally bold and daring. Although the Indian rulers who still remain in Georgia have been deprived by our laws of the formality of ruling their people, it is nevertheless true that they continue to control and govern a portion of them in the most absolute manner; and I have reason to believe that, through the instrumentality of these dictators, aided and countenanced as they are in all their schemes of controversy by a portion of our own citizens, the lives of some of the government agents, as well as of some of the principal Cherokees who are favorable to emigration, have been threatened, and perhaps at this time they are in danger of massacre. Such an enemy as this ought not to be permitted to repose in the bosom of the State. So long as it is tolerated we are exposed to insurrections and commotions which can only be suppressed when too late to avoid the effusion of human blood. If the mild laws heretofore enacted and designed to suppress these evils in a peaceable way have been so perverted as to increase them, the time has assuredly arrived when more appropriate and efficient legislation is called for.

The Legislature has an unquestionable right to make it a highly penal crime for any citizen or inhabitant of this State to advise, aid, or counsel, in any measure, or issue or serve any process, which shall bring in question before any tribunal of this State, or of the United States, our rights of sovereignty and jurisdiction over our entire population and territory.

I consider the reserved rights of the States of this confederacy a chief pillar of American liberty; and, if properly understood and exercised, they will tend to perpetuate union and liberty to our unborn posterity. To secure these rights, it is a matter of the first importance that the constitutional laws of the State should be faith-

fully executed. We should not permit their execution to be defeated by any artifice or combination whatever. No citizen should be permitted, directly or indirectly, to encourage rebellion against, or resistance to, the constitutional sovereignty and jurisdiction of the State which secure to him the inestimable blessings of our republican system.

It is with the most scrupulous and profound respect for the judiciary, as a co-ordinate department of the government, that I have felt myself reluctantly compelled to submit the foregoing strictures to the General Assembly upon the conduct of the Judge of the Superior Courts of the Cherokee Circuit. Nor is it the design of the Executive in any manner whatever to encroach upon the judicial department of the Government. But a deep sense of official duty, and a fixed and unalterable determination to maintain the rights of the State, from whatever quarter, and under whatever disguise they may be assailed, compel me to perform my duty to my constituents, regardless of all personal considerations.

The several applications made to the last General Assembly for the incorporation of railroad companies were granted upon terms of liberality which induced the belief that the dormant spirit of the people of Georgia, on the important subject of internal improvement, was aroused to a sense of their true interest; and before the present day it might have been expected that preliminary steps would have been taken, calculated to ensure the accomplishment of the most important results to the public. But, so far as I am informed, with the exception of the progress made by the Georgia Railroad Company, little has been effected. That company, however, appear to have been engaged in laudable and active efforts, calculated to induce the belief that, to a considerable extent, the object of the association will, at no distant day, be carried into effect. As to the particular progress and prospects of the company, however, I have no information, except that which has been spread before the public. Should these companies fail to avail themselves of the exclusive benefits and privileges secured to them by their charters, it will then be vain for the people of Georgia any longer to flatter themselves that general benefits will shortly accrue to the community from projects of internal improvements which are dependent for their execution upon the enterprise and capital of private citizens.

Under the existing aspect of things relating to the subject of internal improvement, and considering the great interest which the State has at stake, dependent upon the movements of the present time, the question presents itself with great force to the consideration of the present General Assembly whether the ample resources of the State shall not, to a liberal extent, be applied at once to this important object. The resources of the State heretofore set apart and pledged for purposes of public education and internal improvement should never be diverted into any other channel of expenditure, under any pretense whatever. But these funds, accumulated as they were from the public, should be scrupulously applied to these admitted objects of first utility. Indeed, I entertain no doubt but that a wise and prudent policy, directed by an enlightened forecast, would suggest the expediency of greatly enlarging our views in regard to the application of our resources to these objects, before the means of doing so shall have passed beyond our control. If the whole moneyed resources of the State, in whatever they may consist, could be judiciously applied to purposes of education and internal improvement, it could not fail to effect a present and permanent blessing to the people of Georgia. The facilities of commerce and the benefits of education, being brought to the door of every citizen, are objects of far greater importance to the people than that of granting partial loans of money from the public chest to a few thousand citizens dispersed over the State.

It must be admitted that the large sums of money heretofore expended upon roads and rivers in this State having effected but little permanent good, yet this affords no just ground for discouragement, for, when we look through the history of our efforts on this subject, we shall perceive that we were only pursuing the examples of older and more experienced communities. Most of the old States of the Union, as well as the most enlightened countries of Europe, were, until within a very few years past, expending their wealth upon projects of internal improvement which, if not entirely useless, are, at this day of light upon this subject, considered a most improvident waste of time and treasure.

The superior advantages of railroads over every other description of expensive works of internal improvement, and as being best suited to most parts of our country, seem now scarcely to be questioned. Experience, the surest and best test, is rapidly settling public opinion on

this subject; and it is therefore deemed to be unnecessary at this time to enter upon a discussion of their relative superiority. After the most mature consideration, I have no hesitancy in reiterating the often expressed opinion that the only great work of internal improvement which would be entitled to the support of our whole population, and which could be expected to concentrate the resources and energies of the State, would be a central railroad, commencing on our own seaboard and running thence to the centre of the State (or as nearly so as may be expedient), with a view of ultimately extending the line, through the interior, to our northwestern boundary, so as eventually to draw a considerable portion of the immense trade of the great and fertile West to our own seaboard. Moreover, such a work, executed by Georgia, would be advancing in the line of the splendid project of a direct railroad communication connecting the Mississippi with the Atlantic, and would tend to ensure the success of that gigantic conception; which result could not fail to make our railroad stock immensely valuable, and at the same time increase the individual wealth of our citizens to an extent far beyond the conception of those who have not maturely considered and investigated such subjects. The facilities thus afforded to commerce would give new springs to every branch of industry throughout the State.

I entertain the opinion that the day is not far distant when the commercial advantages and disadvantages of all the principal Atlantic cities of the United States will approximate much nearer to the same standard than they do at present. The progress already made by works completed and now under contract in the different States of the Union, fully justifies the belief that all the principal Atlantic cities, from New York to New Orleans, will, before the present generation shall have passed away, be brought near together by one continuous line of the best constructed railroads, except short spaces supplied by steamboat navigation. This being effected, the great question with the producer and merchant of the interior will be, "How shall I get to the Atlantic in the shortest time, and with the least expense and risk?" Then there will be but little reason to enquire whether Savannah or Charleston will afford the best market, both being brought so near to the same standard.

Under this view of the subject it appears to me that the great importance of a direct railroad from our prin-

cipal seaport town, through the centre of the State, and ultimately to be extended to the Mississippi river, must force itself with deep conviction on the mind of every reflecting individual. Such a road, if speedily executed, could not fail to give to our State a great commercial imporium, surpassed by few, if any one, on the entire Atlantic. It would concentrate the interest and energies of our whole people to one great and definite object, worthy of the support of all, because designed for the benefit of all. This important point being settled into one definite object, all minor works of internal improvement would be planned and executed in reference to it, without incurring the hazard attendant on new schemes of enterprise, which are so apt to divert and unsettle the public mind.

The great difficulty of executing a State work of the description now under consideration arises from the fact that competent and faithful agents and superintendents are not always to be readily procured. The best method of obviating this evil will be to limit the entire responsibility to a contracted circle of individuals, enjoying the public confidence in a high degree, and who would be able to give the most ample security for their fidelity to the public interest. Great as the undertaking may appear, I feel no hesitancy in saying that the resources and credit of the State are ample, and that whatever may be judiciously applied to effect the object will be loaning the public money at a rate of usury which could not fail to reimburse the treasury many fold for every dollar thus expended.

On the momentous question of public education, my views have been so frequently and so fully presented to the Legislature that I do not deem it important on the present occasion to reiterate at large my unchanged opinions. The wisest men of the age in which we live, after the most profound research and patient experiments, have in various forms laid before the reading public all that kind of information which is deemed necessary to enable the statesman to modify existing systems of education, and adapt them to the aspects and exigencies of the community for whose benefit he legislates, and of whom he forms a component part. We may not reasonably calculate on a continuation of the liberty and national prosperity hitherto vouchsafed to us as a people, without providing amply for the diffusion of knowledge commensurate with the increase of our population, and for corresponding improvements in all the arts and sciences calculated to elevate and adorn the human character.

In our country this diffusion of knowledge must be based upon some general system which will place common education within the grasp of every child; and to effect this very desirable object it is firmly believed that the connection of manual labor with school studies promises the greatest and most salutary improvement upon all former plans. I confess I look to the introduction of manual labor as a part of the system of all public schools to be the only hope of general success in our section of the Union. It is worse than useless to attempt to educate our children in any mode tending to confirm habits of idleness, or to excite hopes and expectations of procuring the comforts of life, without industry and labor. The superior advantages of this system are no longer matters of mere theory, but have been satisfactorily tested in many of the most respectable academies and colleges; and the association of manual labor with the common courses of study is now universally admitted to be of the first importance in strengthening and invigorating the intellect, as well as improving the morals of the student. Moreover, such association cannot fail to create and cherish a proper sympathy for the plain realities of life, so necessary to the virtue and happiness of mankind. Unless labor is connected with education, the poor must chiefly be excluded from our schools and colleges—none but the wealthy being able to incur the expenses incident to classical education. But let it be understood the industrious student may work his way to the highest literary distinction—that the highway to fame is no longer hedged up to the poor—and you will have aroused the sleeping energies of the most important, because the most numerous, class of every community.

Every year affords additional evidence that our University is justly rising in the estimation of the public. The judicious administration of affairs of that institution, under the government of its present faculty, entitles it to the confidence and support of an enlightened community. I am sanguine in the belief that Franklin College is destined, at no distant day, to equal the fondest anticipations of its best friends, when it may justly be considered a rival of the best literary institutions in our widely extended country. Indeed, I consider it doubtful whether our sons can anywhere, at this time, spend the short course of four years' college instruction to greater advantage than at Franklin College.

The general impression which pervades the public mind, that the *almost exclusive* object of a college education is to multiply *lawyers and doctors*, has a most pernicious effect upon the success and advancement of the institution. It has occurred to me that the most effectual means of obviating this injurious impression would be to provide amply for the endowment of the most appropriate professorships for preparing the students to become able and competent teachers in our academies, manual labor institutes, and other schools, and, at any rate, to prepare our sons to become scientific artisans and agriculturists. I consider it altogether an erroneous idea that it requires less mind or less learning to make an accomplished farmer or artisan than would be considered requisite to make a current lawyer or doctor; and it is to be feared that agriculture, the parent of every other art, is destined to languish in our State, unless sustained by the devotion of the best *talents*, learning, and practical skill.

The reports made by the several banks of this State, in conformity to law, including that of the Central Bank, are herewith submitted to the Legislature.

The examination into the condition of the Darien Bank, and its branches, authorized by the last General Assembly, I regret to say, has not been effected. The Executive correspondence in relation to this subject will, to a considerable extent, explain the causes of the failure. The gentlemen first selected having all declined the service, and the great difficulty of obtaining the services of qualified individuals—taking into view residence, and other important considerations—wore away the season until it was found wholly impracticable to effect the object of the Legislature. The importance of the information contemplated to be obtained by the examination authorized by the Legislature is greatly increased from the facts that the State is largely interested in the capital of said bank, and that the question of a recharter will, in all probability, be determined by the present General Assembly.

The discussions and developments of the last six years upon the subject of the banking institutions of our country have contributed much to enlighten the public mind in regard to the true character and general management of such institutions. The effects have been such as might have been anticipated in an enlightened and intelligent community. The banks of our country, from the United States Bank down to the most petty State corporation, have lost much of the public confidence and favor, and the

people are becoming more and more distrustful of these engines of power and selfish speculation. Experience has shown that these incorporations not only possess, but have exerted, the power to drain from the country the constitutional hard money currency, and substitute in lieu thereof the joint stock notes of corporate companies, which are liable to bankruptcy from the mere forebodings of being called on to pay their just debts, and that, under cover of their chartered privileges, the most extensive frauds are sometimes practiced upon an unsuspecting community.

In regard to the banks of our own State, it may be justly remarked that the exhibits made of their condition will bear an honorable comparison with those of similar institutions in perhaps any State in the Union; and that most of them continue to deserve the public confidence. This confidence, however, should by no means abate the vigilance of the General Assembly in guarding the people against the evils consequent upon the abuses of banking privileges. The slightest failure on the part of these incorporations to comply with the requirements of the law should not be overlooked in silence, and a bank that once corruptly violates its charter should never again be recommended to the public confidence by any act or resolve of the Legislature.

All my reflections upon the tendency of banking operations have but confirmed the opinion that the latitude heretofore given to such corporations, in the unguarded terms of their charters, has furnished the temptation to the most hazardous extension of their credit, and opened the door to the most fraudulent speculations. Hence I conclude that, as a general rule, it is far better, for the public security, to incorporate new banks, under proper restrictions, than to recharter old ones.

Under the provisions of the act of the General Assembly, passed in December last, the negroes and other property appertaining to the road service have been disposed of on terms highly advantageous to the State. According to the reports of the agents who transacted this business, it appears that the amount of the sales was, in the aggregate, one hundred and eighteen thousand one hundred and forty-eight dollars and thirty-seven cents; all of which sum has been deposited in the Central Bank, in terms of the law, in notes discounted and cash—except the sum of four thousand four hundred and seventy-seven dollars and ninety-five cents—a part of which remains un-

settled on account of an error committed in the amount of a note taken by one of the agents, and a difficulty which arose on account of the unsound health of one of the negroes. The balance of said deficit remains to be accounted for by the agents, Messrs. Lyman and Powell. The number of negroes sold was one hundred and ninety-eight, leaving eight runaways to be disposed of when apprehended. A competent agent, Francis M. Stone, Esq., of Savannah, was appointed to have these fugitives apprehended and sold, according to the provisions of the act of the Legislature herein before referred to; and I am gratified to have it in my power to state that most of them have been apprehended, and probably before this time have been sold. The net profits, however, of the sale of these runaway slaves will be comparatively small, after deducting the expense of their apprehension and jail fees, physician's bill, and other incidental charges. I would respectfully suggest to the General Assembly that the several agents who have performed the responsible duty of disposing of these negroes in the terms of the law, so much to the interest of the State, are justly entitled to a suitable remuneration for the unpleasant, expensive, and highly responsible duties which they have discharged, and which were by no means suitably provided for by the act of the Legislature which authorized the sale of the public hands. It may not be improper to add that I am convinced that these gentlemen were induced to undertake the discharge of these duties from public considerations, under a full conviction that the law did not make adequate provision to compensate them for the duties and responsibilities imposed upon them.

Under the authority of a joint resolution of the late General Assembly, John A. Cuthbert, James A. Meriwether, and Philip T. Schley, Esqs., were appointed by the Executive to revise, correct, and consolidate the militia laws of this State, or, in their discretion, to draft a new code, and their report may be expected at an early day of the present session, when it will be immediately laid before the Legislature. The reports of the keepers of the arsenals are herewith submitted; from which it will be seen that our supply of arms and other munitions for public defence are extremely limited, and that volunteer companies cannot receive further supplies without legislative provision. I have had occasion heretofore to remark to the General Assembly upon the condition of that portion of the public arms which had been distributed to vol-

unteer companies in past years, and which companies had been dissolved, leaving their arms in a scattered and ruinous condition. The bonds taken and filed in this department, for the safe keeping and return of these arms, may be regarded as being of little value, from the circumstances of the death or the removal of the makers and their securities. It remains, therefore, for the Legislature to make the best disposition of this wasting of public property. If it should be thought expedient to collect and put in order arms of this description, suitable and definite legislation is deemed to be indispensable. The experience we have had, however, in cleaning and repairing defective guns, induces the belief that it would be most expedient to provide for disposing of this portion of public property in the respective neighborhoods where it is found.

No appropriation having been made by the last General Assembly to defray military expenses, and former appropriations having been exhausted, the pay allowed by law to Division and Brigade Inspectors remains unsettled. It therefore becomes the duty of the Legislature to provide, at an early day, for the payment of these claims; as also to make the necessary appropriation to meet the ordinary expenses in this branch of the public service.

The success which has attended the management of the Penitentiary since its re-establishment entitles that important public interest to a due share of legislative consideration. The adaptation of our new criminal code to this humane system of punishment, taken in connection with the judicious management of the present Principal Keeper, Charles C. Mills, Esquire, has tended to re-establish and confirm public opinion in favor of this mild yet efficient mode of correcting the vicious habits of depraved men. Under all the circumstances, the operations of the past year have been more favorable than could have been reasonably anticipated. The various disadvantages which have operated upon the business of the year will be presented in the reports of the Inspectors and the Principal Keeper, which satisfactorily account for the deficiency in the profits of the institution to meet the current expenses of the year. It is believed that the institution will continue to be able to sustain itself without aid from the Treasury for ordinary support.

Upon examination, however, it will be obvious that its prosperity and best success require that ample provision should be made for erecting suitable buildings, or shops,

for carrying on to the greatest advantage the different branches of business pursued in the institution. Moreover, its present limited means will not justify a timely procurement of such supplies of timber as require several years of seasoning to be fit for use.

The most pleasing reflection connected with the present management and the future prospect of our Penitentiary establishment is the settled conviction that it is not only a house of *correction* but of *reformation*; and that it is susceptible of such management as to reclaim many of the most vicious from habits of vice, and turn them to paths of virtue and usefulness. Out of fifty-four convicts who have been discharged during the last three years (which number includes those who have been pardoned, as well as those who have served out their sentences), I have good reason to believe that a large majority of them are at this time pursuing a virtuous life, and many of them established in business, with fair prospects of success—only *one* of this number has been recommitted.

This favorable result has induced the belief that, as soon as the profits of the institution will afford it, some portion of the earnings of the convicts who conduct themselves well to the end of their confinement should be given to them when discharged, to enable them with more facility to establish themselves in the respective trades they may have acquired.

By a joint and approved resolution of the last General Assembly the memorial of John J. Flournoy, praying the establishment of a suitable institution for the education of the deaf and dumb, was referred to the Executive, for the purpose of obtaining the necessary information to enable the present Legislature to enter upon an investigation of the subject, with the aid of such practical results as might lead to a judicious decision. In order to meet the wishes of the Legislature, a timely correspondence was opened with the Governors of several of the States having most experience on this subject. The correspondence, together with the documents received, is herewith submitted to the General Assembly, and will afford the most ample information on the subject.

To Governor Foot, of Connecticut, and Lewis Weld, Esq., Principal of the Deaf and Dumb Institute of that State, we are chiefly indebted for the valuable documentary information obtained upon this most interesting subject. The deaf and dumb are an unfortunate but interesting class of individuals in every community, and are

justly entitled to the munificent care and special regards of their more fortunate and highly favored fellow citizens. Therefore, the subject commends itself to the respectful consideration of the Legislature.

While our thoughts are turned to the abodes of the unfortunate, I would avail myself of the occasion most earnestly to invite the serious attention of the General Assembly to another class of individuals who are to be found in every community, and who deserve to be among the first objects of legislative care and attention. I allude to idiots, lunatics, and insane persons of every description. Every government, possessing the means, should, without hesitancy or procrastination, provide suitable asylums for these most distressed and unfortunate of human beings.

The repairs and improvements authorized to be made to the State House are chiefly completed, and have been executed in a style creditable to the contractors. The work not being entirely finished, and final settlements not having been made with the undertakers, I am unable at this time to state the actual cost, but feel confident that the appropriation made by the last General Assembly will not cover the expenses necessarily incident to the repair and improvements contemplated to be made; for, although the contract was undertaken and estimated at an amount less than the sum appropriated, yet considerable additional labor has necessarily grown out of the progress of the work, which, being unforeseen, could not be provided for specially in the contract. In this extra and additional labor is included the repairs of unavoidable injuries done to the building by rains during the progress of re-covering it. By an examination of the various apartments of the building it will be seen that they are insufficient to contain in a proper state of preservation the vast accumulation of books and papers, and other appendages belonging to the public offices. I would therefore recommend to the Legislature that a sufficient appropriation be made during the present session to put an addition to the south end of the building, corresponding with that of the north. This is deemed indispensable, not only to the preservation of the public records, but to the symmetry and general appearance of the whole building. The plastering in some of the rooms and entries having been considerably defaced, and considerable painting being necessary to preserve, as well as ornament, the interior of the building, I would recommend that, if the proposed ad-

dition should be authorized, the appropriation should be sufficient to embrace these last items of expense, in order that the entire building may be in a complete state of repair. This being done, the appearance of this important public edifice will be viewed by every Georgian with becoming pride and pleasure.

I would respectfully recommend to the General Assembly an entire revision and consolidation of the several tax laws of this State. The various detached and amendatory acts on this important subject have introduced ambiguity and uncertainty in the construction and execution of laws which, of all others, should be most clear and explicit in their provisions. The necessity of legislation upon this subject is clearly demonstrated from the fact that mistakes have already been committed in several of the counties of this State in regard to the legal amount to be levied and collected from the people. While upon this important subject, it is worthy the consideration of the Legislature whether a more equitable mode of taxation might not be devised than that prescribed in our existing system: that capital, in whatever it may consist, which yields the greatest profit can best afford to bear the burthens of taxation. Yet the question has often been asked, and not without reason: "Why may not the entire property, capital and cash estate, of every citizen, in whatsoever it may consist, be taxed according to its intrinsic or estimated value?" Upon mature reflection, I am compelled to admit that our selection of objects of taxation fails in arriving at that true standard of justice and equity which is believed to be attainable.

In pursuance of the provisions of a joint resolution of the last General Assembly, the negro man Sam has been purchased of his owner, at the price of eighteen hundred dollars, with a view to his emancipation, as a reward for his extraordinary services in extinguishing the fire on the State House. The title to said negro has been conveyed to the State, and he has been in the enjoyment of his freedom since the date of the purchase; nevertheless, a special act of emancipation, giving him such privileges as may be deemed proper, will be necessary to carry into full effect the intentions of the last Legislature.

A list of Executive warrants drawn on the Treasurer during the last political year, and a list of Executive appointments made during the recess of the Legislature are herewith submitted.

Fellow Citizens:—In closing this communication, permit me respectfully to remind you that we are brethren of the same family, jointly charged with the care of an inestimable political patrimony; and that upon the wisdom, justice, and moderation of the present generation depends the perpetuity of our republican institutions. Our admirable constitution has thus far successfully withstood the wiles of the demagogues, the convulsions of war, and the secret machinations of the combined enemies of liberty. I can conceive of nothing that can materially retard the prospective grandeur of our great American confederacy of States, except it be internal divisions. Let the chain that now binds us as one people be severed, and our glory will have departed forever. Whatever diversity of opinion in matters of policy may agitate our beloved country, let us all agree that “The Federal Union must be preserved.” Suffer me to add that with our settled determination to defend the rights of the States, and a strict construction of the Federal Constitution, I consider both as being identified with the success and support of the present Federal administration. In our severe conflicts with the united extremes of consolidation and nullification, it is most fortunate for the Republic that we have an unwavering Revolutionary patriot at the helm of the Government—one who unites in himself so many admirable qualities to meet the present crisis—and who will never shrink from any contest with the enemies of our Constitution, our Union, or our Country.

WILSON LUMPKIN.

ANNUAL MESSAGE, 1835.

Executive Department, Ga.,
Milledgeville, November 3d, 1835.

Fellow Citizens of the Senate and House of Representatives:

Our constitutional government is based upon the most lofty spirit of independence and ardent attachment to liberty and equal rights, and secures to the people the free choice of all public officers and agents, as well as the most unlimited direction and control in the making and executing the laws of the country. The Legislature is therefore dedicated to the service of the people, and is the sure de-

pository of their rights and liberties; consequently no station can be more sacred than that which you now occupy. You are bound by the strongest obligations to guard and perpetuate the glorious principles established by our Revolutionary fathers, in the constitutions of our country.

In thus adverting to your duties, fellow citizens, be assured that I am not unmindful of the great responsibilities necessarily devolving on the Executive branch of the Government. Four years' experience has but increased that distrust which I have never ceased to feel of my ability to discharge, in a manner satisfactory to myself, the high duties to which I have been called by a generous and confiding people—a people endeared to me by every tie that binds a grateful citizen to the interest and happiness of his country. The ardour of my youth and the best days of my riper years have been faithfully devoted to the public service; and yet I feel that I have discharged but a small portion of the debt of gratitude I owe to the people of Georgia for their generous confidence and support, under all the vicissitudes of an eventful political period of thirty years. Believing it to be the best parting service I can render to my constituents, I shall now proceed to lay before their representatives a faithful account of public affairs, so far as I may consider them falling within the sphere of my official duty.

The constitutional compact which binds together the American Confederacy of States continues to be regarded by every American patriot as the anchor of hope for the perpetuation of our beloved Union; and although our universal construction of that sacred instrument may not yet have prevailed, as regards every controverted point of difference, yet the expositions and writings of the sages and patriots who established it have so far defined and settled all important points of collision as to guard the public mind against the wild and mischievous stratagems of sophistry, as well as the more dangerous and extravagant assaults of ambition. The constitutional relations existing between the several States of the Union are, at this day, very clearly understood by the great body of the American people; and must be respected by the several States, both in their separate and united capacities, or the Federal Union cannot be preserved.

These general remarks have been made with a view to the existing state of things between the slave and non-slave holding States; a delicate subject, which nothing but an imperious sense of duty could induce me to in-

roduce to public consideration, in a paper of this character. The constitutional rights of the Southern States in regard to slave property is not, and cannot be, controverted; and I feel disposed to cherish an abiding confidence in the virtue and patriotism of our Northern brethren, and will not indulge the belief that the great body of that people can, for a moment, countenance and encourage the desperate efforts of those violent incendiaries who are laboring to stir up insurrection and rebellion in the Southern States. Should, however, the abolitionists be permitted to proceed without molestation, or only have to encounter the weapons of reason and argument, have we not reason to fear that their untiring efforts may succeed in misleading the majority of a people having no direct interest in the great question at issue, and finally produce an interference with the constitutional rights of the slave-holder? The consequences of such an event cannot be contemplated by the patriot without the most painful emotions. The success of these misguided men would be destructive of all that is desirable in the glorious experimental government under which we are enjoying an unparalleled degree of happiness and prosperity. No adequate conception can be formed of the blessings which they are laboring to destroy, while they claim to be the exclusive friends of liberty and freedom. The principles of the Christian religion can never be brought to the aid of these monsters, whose proceedings are marked by the most reckless, blood-thirsty spirit that ever disgraced the American name. Upon this subject we can hear no argument. Our opinions are unalterably fixed; our determinations are immutably firm and steadfast, and therefore ought not to be concealed or misunderstood. It is a subject with which we cannot suffer a stranger to intermeddle. But the question arises, what is to be done in the present exigency? It is the imperious duty of the people and governments of the several States where these incendiaries are engaged in their diabolical plans and operations to put them down, at once, and forever. It is not my province, or duty, to point out the manner in which public opinion should be brought to bear upon this subject; whether by legislation or otherwise, must be left to the wisdom of those States who are in duty bound to act, and to act promptly and efficiently, upon this subject. If the States in which these enemies of our peace reside do not, without delay, manifest their friendship and fidelity to the

Constitution and the Union of the States by effectually silencing these incendiaries, we can no longer be called upon, in charity, to place any confidence in their professions so often promulgated to the world. It is, with us, a subject of deep and solemn import—involving the destiny of our dearest domestic affections; our sacred altars; our all.

I would earnestly recommend to the consideration of the Legislature the revision of our existing laws, so as more effectually to prevent the circulation, through the Postoffice, or otherwise, of any publications tending to endanger our domestic relations, or calling in question our constitutional rights of property. Congress should also be invoked, in the most earnest and respectful language, not to suffer the Postoffice establishment to be used to our injury and destruction. I would also recommend that the States where these agitators and incendiaries are found should be called upon in the true spirit of our institutions, that is, in a spirit of manly independence and brotherly affection, to sustain, in good faith, the letter and spirit of our glorious Constitution.

On the subject of our territorial rights, as connected with the claims of Indian population, I deem it admissible on this occasion to remark that the opinions entertained and the policy recommended to the Legislature immediately after I entered upon the duties of the Executive have been fully sustained by the success of the measures then recommended. Notwithstanding the opposition which has been encountered, at home and abroad, and the many embarrassments which have been thrown in the way, and which are familiar to our whole population, within the last four years we have seen upwards of five millions of acres of our territory converted from a savage wilderness—a land of confusion and conflicting rights of government—into fruitful fields and the peaceful abodes of an enterprising and industrious population. Our citizens in the Cherokee part of Georgia are now in the enjoyment of most of the blessings which follow a peaceful administration of our well organized system of government.

The measures which have led to these results have been controverted and censured, but not overturned. Threatenings of anarchy and blood have been arrested and silenced. It is true that a few of the Cherokees yet linger within our borders, and continue to annoy our white population; but it cannot be believed that the mischievous and

selfish counsels and influence of a single individual, John Ross, can much longer prevent this unfortunate remnant from yielding to the liberal and magnanimous proposals of the Federal Government for their removal to the West. From the correspondence herewith submitted it will be seen that the opinion is entertained by the agents of the Federal and State Governments that the Cherokees will ultimately, and at a day not far distant, accept the late Treaty. But, so far as Georgia is now concerned, the acceptance or rejection of the Treaty is a matter of but little importance. Our concern upon this subject is founded chiefly in sympathy for this unfortunate and deluded people. Their procrastination is ruinous to themselves, while, to us, it is only a matter of temporary inconvenience. But, in anticipation of their obstinate adherence to the destructive counsel of Ross and his associates, I would recommend to the General Assembly that, during their present session, they provide for that contingency. If the Cherokees cannot be induced to pursue their true interest by kindness and liberality, measures should be adopted that will evince to them the utter impossibility of their remaining longer within the limits of our State. The present Legislature is in duty bound to relieve Georgia from this troublesome population, and should turn them over to the care of the Federal Government which has long since been more than compensated by Georgia to take care of and provide for these unfortunate Indians. The provisions contained in the acts and resolutions of the last General Assembly, in relation to our Cherokee affairs, have had the most salutary effect, in checking judicial assumptions and sustaining the rights and interests of our fellow citizens who are exposed to the aggressions of the Cherokees and their associates.

At the earnest solicitation of many of the most respectable citizens, in connection with the request of the agents of the Federal Government, and some of the principal men of the Cherokees, after the most mature consideration, I was forced to the conclusion, in the month of June last, that the time had arrived when it became my duty to organize a small force for the security, relief and protection of our own citizens and the friendly Indians in the Cherokee Circuit. The utility and efficiency of this force in aiding and sustaining the civil authority in the administration of the laws of the State have been obvious to the whole community; and at this time is controverted only by those who stand opposed to the policy of the

State in the removal of the Indians. The various incidental expenses which have occurred in the management of our Indian affairs have been defrayed from the contingent fund, as directed by the Legislature; and it will be seen, upon examination, that in the discharge of the discretionary and complicated duties confided to the Executive, constant regard has been had to the strictest economy.

A band of vagabond robbers, who form a part of the Creek Indians remaining in the State of Alabama, continue to be an annoyance to the citizens of Georgia; and have, during the past winter and spring, committed many depredations upon the persons and property of our citizens. A large portion of the Executive correspondence on this subject is herewith submitted to the Legislature, and will exhibit a full and fair history of the transactions in relation thereto, as also the views and opinions of the Executive branch of the Federal Government upon the subject. These documents will vindicate the Executive of Georgia from the many misrepresentations which have been propagated by selfish and malicious individuals, who seem to have been disposed to mislead, as well as misrepresent the Executive.

The documents accompanying this message will furnish the Legislature with detailed information upon every subject connected with our Indian relations, and will aid that branch of the Government in the adoption of such measures as the present state of things may seem to require. No reasonable hope can be indulged of the improvement of the condition of the aboriginal race while they remain in the midst of a white population. Their emigration to the West opens the only door of refuge; and the whole energies of the Federal and State Governments should be zealously directed to that object. These remnant tribes have lost almost every vestige of national character, and it is altogether preposterous to consider or treat with them as independent nations of people. Such pretence will be viewed by the impartial eye of posterity as a mere farce: they are in reality, at this time, nothing but the feeble conquered remnants of a once mighty race, altogether dependent upon the powers which have superseded them. They have, however, high claims upon the people who have supplanted them, and should be treated as children, or minors, who are incapable of protecting their own rights and interests, and consequently entitled to the kindness and liberal protection of the Government.

I herewith lay before the Legislature the report of the Committee of the last General Assembly upon the subject of the condition of the Farmers' Bank of Chattahoochee, together with the evidence taken by the Committee, and transmitted with their report to this department. It will be seen, by reference to the resolution under which the committee acted, that the object of the investigation was to ascertain whether the Bank had been so managed as to incur the forfeiture of its charter. Upon this point the Committee decline any direct expression of opinion, while, upon the face of the report, the opinion is obviously intimated that the Bank has violated some of the provisions of its charter. After the most careful and patient examination, the report, to my mind, reflects a degree of censure which may very naturally arise from the exhibition of the evidence presented to the Committee, going to sustain the charge of indiscrete conduct on the part of the managers of the Bank; but whether these admitted indiscretions amount to a forfeiture of the charter is a question that admits of doubt. I have therefore declined ordering a *scire facias* to be issued against the Bank, and submit the whole subject to the consideration of the Legislature. A course of forbearance has been pursued towards this Bank, from public considerations deeply interesting to the community, and not from a disposition on my part to screen such institutions from just legal scrutiny.

Francis H. Cone and William W. Gordon, Esqs., were the counsel appointed by the Executive to assist the Attorney General in prosecuting the *scire facias* against the Merchants and Planters Bank of Augusta. These gentlemen have discharged the duties of their appointment, not only to the entire satisfaction of the Executive, but with an ability which has attracted the attention and commanded the unqualified commendation of the most enlightened gentlemen of their profession. The Legislature having omitted to provide the compensation for these services, and the Executive entertaining some doubt of the expediency of making such a draft upon the contingent fund, these gentlemen have not been paid, and should be provided for at an early day of the present session.

Copies of the semi-annual reports made to this department from the several banks of this State, in terms of the law, are herewith submitted to the General Assembly. The annual report of the Central Bank of Georgia is also herewith submitted.

Under the authority of a joint resolution of the last General Assembly, Matthew St. Clair Clarke, Esq., of Washington, has been appointed agent to prosecute the claim of the State of Georgia against the United States, for services rendered and money expended during the Revolutionary War; and I have entire confidence that he will discharge his duty with ability and fidelity to the interest of the State. The claim is now pending before Congress, and will, I presume, receive that favorable consideration which the justice of it may appear to demand.

Sometime in the month of December last a correspondence was opened with me by the Secretary of the War, under the direction of the President of the United States, on the subject of the claims of the citizens of Georgia, under the Creek Treaty of 1821, and the late act of Congress on that subject; which correspondence resulted in obtaining my assent to have the whole business of carrying said act into effect confided to my superintendence, judgment and discretion. Consequently, the papers and the unexpended balance of the fund set apart by the Treaty referred to were forwarded to, and received at, this department; and the money (one hundred and forty-one thousand and fifty-five dollars and ninety-one cents) has been deposited in the Central Bank, subject to the order of the Governor of this State. Great care has been taken to give full and ample notice to all claimants to present their claims; and it is believed most of them have availed themselves of the opportunity afforded. It was necessary, as I had informed the President it would be, to appoint a highly qualified Commissioner to examine, adjust and determine on these claims, under my immediate superintendence, and subject to my revision. John A. Cuthbert, Esquire, the gentleman selected, I am gratified to state, has discharged the duties confided to him with an ability and accuracy which cannot fail to give as general satisfaction as could reasonably have been expected in the adjustment of these long standing and complicated claims. Thus, this long delayed interest of an unfortunate portion of our fellow citizens is now brought to a final and, I trust, satisfactory close, and many of them have already received the money allowed upon their claims. I feel amply rewarded for the voluntary labor I have devoted to this business, under the belief that useful service has been gratuitously rendered to a portion of my constituents which could not be exacted from my present official obligations.

The Rev. Elijah Sinclair was appointed Commissioner, under the provisions of a resolution of the last Legislature, to apply the fund appropriated for the education of the indigent deaf and dumb in this State. Mr. Sinclair, in the discharge of his duty, has not only complied with the requirements of the resolution, but has manifested much zeal, prudence and thoughtful forecast in the fulfilment of his undertaking. The report of his proceedings will, I am informed, be laid before the Legislature within a few days. The compensation of the Commissioner will devolve on the present General Assembly, as it has not heretofore been provided for; and permit me to add that Mr. Sinclair is entitled to that liberal consideration which attaches to a disinterested and faithful discharge of public duty. The action of the last General Assembly upon this subject being viewed in the nature of an experiment, it will be a question for the consideration of this Legislature whether the liberal views then entertained in relation to this unfortunate class of our community shall be sustained by further and appropriate legislation. From the success which has attended the labors of the Commissioner during the past year, and from the lively interest which seems to have been excited among the people by what has already been done, no doubt is entertained of the accomplishment of all the benevolent purposes contemplated by the Legislature, if the adequate means are provided. Relying upon the intelligence and fidelity of the Commissioner for furnishing such information as may enable the General Assembly to act advisedly upon this subject, I would simply add my earnest recommendation that liberal provision be made for the permanent support of this humane and benevolent object.

With a view to carry into effect the intentions of the last Legislature in putting an addition to the south end of the State House, to correspond with that of the north, and for which purpose the sum of twelve thousand five hundred dollars was appropriated, a contract has been entered into with competent and responsible mechanics, and the work is now in progress. At the time, however, of making the contract, it was expected the work would have been completed during the present year, and it is still believed that the failure is, in some degree, justly attributable to the want of fidelity on the part of the contractors in the fulfilment of their engagements. The terms of the contract will, however, secure the interests of the State, as the undertakers have no right to claim payment

for any part of the labor until the whole is completed; and no advances have been made to them, except for the purchase of materials to carry on the building. The whole subject will be fully explained by the correspondence and documents herewith submitted.

In compliance with the request, and under the authority of the last Legislature, I have caused to be enclosed in an appropriate manner, the graves of the Honorable Jonathan Lewis, late Senator from the county of Burke, McLin Lunday, Esquire, late a Representative from the county of Screven, and Aaron Jones, Esquire, late Representative from the county of Lee, who died during the session of the last General Assembly.

The various duties assigned to the Governor, by the resolution of the last Legislature, in order to prevent the spread of the smallpox in this State, have been discharged, and the expenses incurred in the several counties afflicted by the visitation of this malady have been defrayed from the contingent fund, as directed by said resolution.

The reports of the keepers of the public arsenals at Milledgeville and Savannah are herewith transmitted, and will show the number and condition of the public arms at those places respectively. The report of the Committee, appointed under the resolution of the last Legislature to examine into the condition of the arsenal at Savannah, is also herewith submitted.

In compliance with the resolution of the last General Assembly, I have, through the agency of Francis M. Stone, Esq., of Savannah, contracted for a number of cartridge boxes, bayonet scabbards, and belts, sufficient to make complete sets of accoutrements for three thousand muskets in the public Arsenal at Milledgeville, and also for the supply of similar deficiencies in the Arsenal at Savannah. I have not yet been advised of the reception of these articles; they are, however, daily expected. Three hundred and seventy-one defective muskets, in the Arsenal at this place, and six hundred and six, in the Arsenal at Savannah, have been repaired and put in good order, which cost the State the aggregate sum of five hundred and sixty-one dollars and thirty-five cents.

In the month of May last I was notified by the Ordnance Department of the United States that, under the act of Congress of eighteen hundred and eight, for the arming the militia, &c., there was due this State, up to January last, a quota of arms equal in value to two thousand and nine and 3-13 muskets, which I directed should

be paid to the State in the article of good muskets, with the necessary accoutrements, and have caused them to be delivered at the Arsenal in the city of Savannah.

The glaring defects of our militia system having been so often brought to the consideration of the Legislature by the Executive branch of the Government, and its total inadequacy to subserve the important object for which it was originally designed, being so universally admitted, it would seem strange that the statesman and patriot should any longer slumber over this vital subject. To abandon the system entirely would make us dependent for defence against foreign or domestic foes upon a standing army, which has always been justly considered of dangerous tendency to republics, and is wholly contrary to the spirit of our institutions. We should never lose sight of our sure defence, the *militia*, but cherish it with care, and endeavor to improve it by all practicable means, so as to take from it that reproach and ridicule under which it is now laboring. Our present militia musters are believed to be worse than useless—improving neither officers nor privates in military science, but, on the contrary, tending to demoralize the community, and become an actual waste of time to many of those who have to rely on their labors for subsistence. It is, therefore, believed to be a duty incumbent on the present Legislature to devise a system which may obviate the existing evils, and, at the same time, preserve in full vigor the well established republican doctrine that the militia is the sure defence of equal rights, and regulated liberty. Permit me to add the abiding conviction resting on my mind, that the best plan for effecting the object is by voluntary associations, provided for and sustained by appropriate legislation.

In pursuance of the provisions of the resolution of the General Assembly, approved 24th Dec., 1831, Francis M. Stone, Esq., of Savannah, was appointed and instructed to sell certain magazines in that city, erected during the last war on land not owned by the State.

While in the performance of this duty, the agent was notified by the city authorities to retain the proceeds of the sale to which they had interposed a claim. Thus, the settlement of this business has been protracted for several years, and it was not until after I had transmitted my last annual message to the Legislature that I was notified of the abandonment of said claim. Since then the agent has

reported the gross sale, amounting to three hundred and sixty-nine dollars and four cents, and has transmitted to this department, in two payments, the aggregate sum of three hundred and sixty dollars and seventy-nine cents, which has been paid over to the Treasurer, whose receipts for the same are filed in this department.

At the sale of the public hands, in the year 1834, eight of the number were missing, as stated in my last annual message. In view of the difficulty and expense of recovering these fugitive slaves, it was believed that the net profits arising from the sale would be very inconsiderable; but it will be seen by reference to the report of the agent, Francis M. Stone, Esquire, who was appointed to have them apprehended and sold, that they have all been regained and disposed of, on terms highly advantageous to the State. The gross amount of sales is stated at three thousand and forty dollars; and, after paying the incidental expenses, the balance, two thousand six hundred and fifty-four dollars and thirty-six cents, has been paid over to the Central Bank, in terms of the law. The agent merits the public approbation for the diligence and promptitude manifested in the settlement of this troublesome business.

During the present year another of the public hands has been recovered, who had been missing for several years, and who was supposed to be lost to the State. This fugitive slave was found to be confined in jail in the State of North Carolina, where an agent was sent, who was able to identify him, with instructions to dispose of him to the best advantage. The agent effected a sale at the price of five hundred and fifty dollars; and, after deducting the sum of two hundred and seventy-three dollars and sixty-five cents, the amount of expense incurred, the balance has been paid over to the Central Bank.

In compliance with the provisions of the act of 22d December, 1834, sale has been made of the State's interest in the lot of land therein designated, to Faris Carter, for the sum of three hundred dollars; one-fifth of which has been paid in at the Treasury, and the balance settled by note at the Central Bank, as directed by said act.

In addition to the amount of notes reported for rent of fractions in the Cherokee territory, in 1832 and in 1833, and which have heretofore been turned over to the Central Bank, as directed by the Legislature, the renting agent has, during the past year, reported other notes, taken as aforesaid, to the amount of two hundred and

eighty-eight dollars; which notes have been disposed of in the same manner. The report of the agent, herewith submitted, will satisfactorily explain the cause of the delay in returning said notes.

By the terms of the loan granted to the authorities of the town of Columbus, by the act of 1831, for the purpose of erecting a bridge across the Chattahoochee river at that place, the indulgence given becomes forfeited by the failure to pay any of the instalments as they become due. The first instalment, falling due on the first of January last, not having been promptly met, it was considered that the Commissioners had incurred an obligation to discharge the whole debt from which it was not in the power of the Executive to relieve them; but upon the application of the Intendant tendering the payment of said instalment, I consented to receive any payment the Commissioners might think proper to make upon the debt; leaving open the question of the forfeiture and its enforcement for the consideration of the Legislature. Accordingly, there has been paid in at the Treasury, on said loan, the sum of five thousand one hundred and forty-three dollars and twenty cents, which has been entered as a credit on the bond of the Commissioners, now on file in this office. The papers herewith submitted will explain the manner in which this business has been transacted.

A list of executive warrants drawn on the Treasury during the past political year is herewith submitted; also a statement of the disbursing secretary of this department, exhibiting the unexpended balance of the fund appropriated for furnishing the Government House, and keeping in repair the lot and improvements appertaining thereto; which balance has been placed in the Central Bank, subject to the order of my successor.

In submitting the reports of the Inspectors and Principal Keeper of the Penitentiary to the General Assembly, it affords me much satisfaction to remark that the improved management and discipline of our State Prison affords sufficient inducement to the friends of the system to persevere in sustaining it, with a view to the highest ultimate state of improvement which may be attainable. Various causes have conspired during the past political year to retard the successful operations of the institution. The extraordinary cold winter, the occurrence of the smallpox in this town, the unusual degree of sickness which has prevailed, and the discharge of many of the best

workmen, whose terms of service have expired, have produced a direct and unavoidable effect upon the fiscal interests of the institution; nevertheless, it will be seen that the business of the year will give a small balance in favor of the institution, after defraying the whole of the ordinary and current expenses of the year. The detailed reports of the officers hereinbefore referred to furnish all the necessary information which is requisite to the formation of correct opinions in regard to the management and the further legislation which may be necessary to advance the interest of the institution.

I herewith transmit to the General Assembly an exemplification of the records of the Superior Court of Chatham County, setting forth the conviction of George R. Harding, of the crime of murder, accompanied by the evidence taken on the trial, and a petition of sundry citizens of said County, praying the suspension of the execution, in order that the case might be brought to the consideration of the present Legislature. The day assigned for the execution of this unfortunate individual was the 31st day of July last; and by the respite which has been granted the execution is postponed until the fourth of December next, to allow ample time for the action of the Legislature, to whose deliberate consideration the cause is submitted.

I have received official and satisfactory information, copies of which I herewith lay before the General Assembly, that the Commissioners under the charter of the "Monroe Railroad Company" have not only opened books of subscription for stock in said road, but that the sum of two hundred thousand dollars, being the whole of the stock authorized by law, has been taken up; and that the sum of five dollars on each share of one hundred dollars has been actually paid by the stockholders, and deposited in the Central Bank by the Commissioners, in conformity with the requirements of the act granting the charter.

On examining the charter, it will be seen that the exclusive privileges secured to the Company were made dependent on the subscription of one thousand shares of the stock, before the meeting of the General Assembly of 1834, and on the commencement of the work before the expiration of one year thereafter. The Company having failed to comply with the foregoing conditions, the stockholders are now forever barred from availing themselves of the privileges of the charter, without legislative interposition. Under all the circumstances, I would re-

spectfully recommend to the General Assembly such legislation as shall reinstate the stockholders in all the privileges and immunities to which they would have been entitled provided the stock had been taken, and the work had been commenced according to the provision of the charter.

Thomas Spalding, Esq., in conformity with the requirements of the acts of the General Assembly, granting him and his associates the privilege of constructing a railroad from the Ocmulgee to the Flint river, has deposited in the Executive office a detailed report of the survey of said route, together with a highly finished chart of the same; and a printed copy of said report is herewith transmitted to the Legislature.

This laudable enterprise of one of our most enlightened citizens to connect, by direct communication, the waters of the Atlantic and the Gulf of Mexico, is entitled to the favorable consideration of the people of Georgia and their representatives.

I would most respectfully and earnestly invite the attention of the General Assembly to the contents of a pamphlet which I lay before the House of Representatives, on the subject of a contemplated railroad from the valley of the Ohio river to the Atlantic coasts of Georgia and the Carolinas. A deliberate consideration of the documents which compose this pamphlet will not fail to impress the comprehensive mind with the great importance of the subject. Georgia, the two Carolinas, Ohio, Tennessee, Kentucky, Virginia, and Indiana are the States most deeply interested in the project, while its consummation could not fail to extend benefits to every part of our continent, East and West, North and South. The extent of this inland communication, from North to South, through the centre of the United States, would comprehend at least fifteen degrees of latitude, and could only be compared with that established by the Mississippi river itself. At least half the population of the Union, comprehended in whole or in part, residing in Florida, Georgia, the Carolinas, Virginia, Pennsylvania, Kentucky, Ohio, Michigan, Indiana, Illinois and Missouri are interested in the completion of a railroad from Cincinnati, in Ohio, to the Atlantic coast, and would immediately participate in its advantages. This line of communication, connected as it is, and would be, with the other public works of the States, from the Atlantic Ocean to the great northern lakes, establishing a direct communication through all

the varieties of climate, soil and production and people of the United States, would forever stand conspicuous among the public works of the Union, both in a commercial and social point of view. Should this work be executed, the social, political, and commercial relations between these extreme sections of the North and South would instantly be changed. The intercourse thus established would be unprecedented in these United States; we should no longer be strangers and aliens to our brethren—Charleston, Savannah and Augusta would be brought into social and direct intercourse and good neighborhood with Cincinnati, Louisville, Lexington, &c.; the people of the two extreme regions would every summer meet together in the intervening mountain region of Georgia and the Carolinas (one of the most delightful climates in the world), exchange opinions, compare their sentiments, and blend their feelings, the North and the South would shake hands *with each other* as united brethren, yield up every sectional and political prejudice, pledge themselves to joint objects of national interests, and part as friends and brethren, devoted to the Union and the liberties of their common country.

The important objects of direct inter-communication between distant communities have enlisted the talents and enterprise of not only the first men of the age, but whole communities, composed of different States and sections of the country, are moving forward, to the accomplishment of the most splendid works of internal improvement. The apathy of Georgia on this deeply interesting subject is pregnant with the most fatal consequences to the present and future interests and prosperity of the State. The geographical position of Georgia is confidently believed to be the most favorable of any State in the Union to participate largely in all the benefits of the splendid projects of internal improvement, designed to effect a direct communication between the Northwestern and Southern Atlantic sections of our Union. Our State has a most extensive maritime coast on the Atlantic, with various rivers, inlets and harbors, possessing all the necessary advantages for the most extensive commerce. Moreover, Georgia is, in point of territory, that link in the chain of States which embraces the territory through which the waters flow, both into the Atlantic and the Gulf of Mexico. As regards the work under consideration I do not entertain the shadow of a doubt in regard to its utility and practicability; and I am equally confident that the

mountains of Georgia afford gaps and passways for the contemplated railroad far more favorable than any of her sister States. Admitting the great object of the contemplated work to be the most direct communication between Cincinnati and Charleston, the most practicable and best route will, upon a scientific examination, be found to intersect the "Georgia Railroad" at Athens, in this State. And shall we, the people of Georgia, under all these circumstances and considerations, stand idle "all the day long" and see our State passed by, on the right hand, and on the left? If we do nothing as a State, shall we not encourage and aid our enterprising citizens who have voluntarily engaged in the laudable work of internal improvement?

I would respectfully recommend to the General Assembly their liberal support and fostering care of our State University. Franklin College is based upon the Constitution of the State, and should continue to be considered the foundation of the literary hope and pride of the people of Georgia. Its rising prosperity and utility are every year more clearly developed in the various avocations of life throughout our State. This important institution is emphatically the people's; it is under the control of no religious sect or political party: therefore, the liberal of every religious denomination, and every party in politics, are invited and admonished to its support by every consideration of enlightened patriotism. I view the voluntary efforts of societies and individuals to establish literary institutions with entire approbation, and would recommend the protection of all their rights and privileges to the favorable consideration of the Legislature. But I am not prepared to admit the opinion, which prevails to some considerable extent, and which is probably gaining ground in our community, that literary institutions are productive of the greatest good when under the exclusive and undivided control and management of a religious sect or denomination. In a free government, where liberty is regulated by law, and where religion is regulated by the enlightened consciences of men, unshackled by religious establishments, the important subject of college education forces itself upon the consideration of the whole community, and should never be surrendered by the agents who administer such a government to the safe keeping of any sect or party.

I consider it a matter of growing importance to the University of Georgia that its library should be greatly

extended and enlarged. In such institutions it is a very desirable object that the student who is in pursuit of profound knowledge in any branch of science or literature, in all the vast range of human intellect, should have ready access to all those treasures of knowledge and information which have been arranged and compiled, in the form of books, by the arduous labors of preceding ages. Our present College library is exceedingly limited, when compared with the collections of similar institutions of high grade or standing. We are particularly deficient in works relating to the early history of our own country, such as should be found in every college library in America. From the best information which I have been able to obtain, many of the most valuable and rare works connected with the history of our own country are now nearly out of print, and can only be obtained in England, by diligence and research. If one of the prominent officers of our College could be permitted to visit London, for the purpose of purchasing and making arrangements for the purchase of such books as might be considered most useful to the College—and, most particularly, for the purpose of procuring the colonial records and other information necessary to a complete history of our own State—the object is believed to be of sufficient magnitude and interest to the people of Georgia to justify the Legislature in making the necessary appropriation to defray the incidental expenses.

The important subjects of public education, internal improvement, banking institutions, and other leading interests of society, will continue to claim, and I trust continue to receive, the most deliberate consideration of the General Assembly. My views and special recommendations upon these various branches of public interest have been so fully and repeatedly pressed upon the attention of the Legislature that I have not, on the present occasion, deemed it necessary or expedient to consume much of your time with a view of further impressing my well-known and unchanged opinions upon these several subjects.

Fellow citizens, in this, my closing message to the Legislature of Georgia, I could indulge in the expression of my unmingled joy and gratitude to the God of Nations for the unsurpassed prosperity of our common country—and especially that portion which it is our good fortune to inhabit—but for the signs of discord, agitation and strife, which so repeatedly disturb our quiet, portending gather-

ing storms that threaten to rend the hearts of the friends of liberty throughout the world. The various public meetings, actings, and doings of the citizens of this Republic, in every direction, have too often indicated a spirit of restlessness and disquietude which cannot be contemplated by the friends of liberty and union with perfect composure and tranquillity. Our rights as a people have been well defined in the written constitutions of our country. We have not been left to the guidance of our own vague notions of natural law in the regulation of our conduct as a political community: our laws emanate from the only legitimate source of sovereign power, the people; therefore, if they be defective, unjust or oppressive, let us amend and change them. We ought to be extremely cautious how we violate regulations of our own formation and choice, so long as we hold in our own hands the unquestionable right to authorize as well as exercise unbounded political power.

Under every excitement, the Government of our choice is worthy of our firm support. We can now look back upon the agitations and political storms that arose out of the Tariff, Internal Improvement, Indian and Bank questions, and rejoice that these dark and gloomy days have passed, and our form of government is still the admiration of the civilized world, and our people pre-eminent in happiness and prosperity.

Should other and greater tempests arise, if controversy and strife must come, let us place the wrong upon the heads of others—by a strict adherence to the Constitution of our country. Let us so conduct ourselves that the laws of nature and nature's God will plead our cause in the day of trial.

WILSON LUMPKIN.

CHAPTER VIII.

Should the foregoing pages ever be read and duly considered by intelligent persons who are familiar with the general history of our Government from the formation of the Federal Constitution, they will find ample testimony in the official documents which I have submitted to make up a correct judgment in regard to my political life. My opinions upon all the great political questions which have from time to time agitated the country are distinctly given in these official papers of record. In the maturity of manhood, and after much political experience, it was my lot to occupy the office of Chief Magistrate of Georgia for four years; and during that period many of the most important questions connected with the history of our Government were at their zenith.

The relative constitutional rights and powers of the Federal and State Governments were constantly pressed, not only upon my consideration, but upon my official action. I entered upon the duties of the Executive office resolved, as far as my duties were involved on questions connected with the constitutional rights of Georgia, to yield nothing to Federal usurpation in any of its departments. Moreover, I knew that my views in regard to the management of our then existing Indian affairs would at once bring me into conflict with the Supreme Court of the United States, as well as with the views and policy of my old friend General Jackson, then President of the United States; for it is proper here to state that, while General Jackson coincided and successfully co-operated with Georgia in getting her relieved from the burthen of her Indian population, and had favored all my Congressional efforts, in favor of Indian emigration to the West, and indeed entered into my general views in regard to Indian policy, yet in regard to surveying and settling the unoccupied lands claimed by the Cherokees previous to procuring their assent, by an old-fashioned treaty with them, he was utterly opposed, while I was fully convinced myself that such a treaty could never be procured from the Cherokees so long as they remained under the influence of a numerous host of selfish *feed* lawyers. Northern

fanatics and an assuming State and Federal Judiciary combined to sustain the pretensions of Indian sovereignty. Therefore, regardless of the opinions of religious fanaticism, of selfish and corrupt lawyers, State Judiciary, or Supreme Courts, I studied well the rights of the State, natural law, the policy and history of the past, the present condition of things, and marched forward, as the records of the country will prove, to triumph and success, against an opposition unparalleled in our history. I suffered no court to determine for me, as the Executive of Georgia, what were my constitutional duties. I felt bound by my oath of office to judge for myself in regard to my duty. And this policy, and this alone, brought our Indian troubles to a speedy and successful close—a termination so advantageous to Georgia, in the speedy development of all her great natural resources, the great increase of her population, wealth and prosperity. And the Cherokee people themselves derived even greater benefits from this policy. They escaped from a certain destruction which was rapidly consuming them. They changed a land of affliction, trouble and deep distress for a country far better suited to all their capacities and necessities. And no people of the United States at this day would probably have been as well settled in the enjoyment of all the common blessings of an agricultural and advancing state of prosperity, but for the wicked, selfish and revengeful ambition of John Ross, and his more despicable white co-operates, who, since the emigration of the Cherokees to the West, effected the massacre of the Ridges, Boudinot, and others who were the patriots and best men of the Cherokee people—men of elevated principles and lofty character. The excitement of these scenes has now long passed. I review them with calmness and composure. Complete success attended all my efforts in connection with these scenes. I have no disappointments or griefs to embitter my retrospect in connection with any of these subjects. But, under all these circumstances, I feel it to be my duty to posterity here to record that I have never known or read of any exhibition of human depravity or turpitude so deeply degrading to human character as the conduct of many of those who were combined together to prevent the Cherokees from removing from Georgia—the combination of lawyers and politicians, who attempted to overturn and trample on the constituted authorities of the State. They first consumed all that could be extracted from Ross and his party, in

the way of fees for legal services. After all this, under the Cherokee Treaty of 1835, they presented claims against the Cherokees, amounting in the aggregate to about one hundred and fifty thousand dollars. Of these claims they were allowed, and actually received, upwards of \$36,000, although every sensible man in the country knew that they had been nothing but an unmitigated curse to the Cherokee people. And some of these same lawyers are still living and pressing claims before Congress for these services rendered to the Cherokee people; and I confess I have strong apprehensions that these men, or their heirs, will persevere, and by falsehood, fraud and corruption yet obtain a large amount of the *wages of sin* from the Government of the United States. Their perseverance is now extending beyond the generation who witnessed and was familiar with all these transactions. Ample and complete means for the refutation of all these unjust and unrighteous claims may be found on the records at Washington, filed in the War or Indian Department—unless these records have, by dishonest means, been placed out of the reach of examination. As United States Commissioner, under the Cherokee Treaty of 1835, for auditing and settling all claims against the Cherokee people, these enormous claims of lawyers, amounting, as before stated, to \$150,000, were presented to me. I referred them to the Cherokee Committee, then in session, as provided for by said Treaty, to investigate all such claims (claims thus investigated and decided on by the Indian Committee were then submitted to the United States Commissioners for their revision, approval or rejection). This Indian Committee recommended the payment of certain amounts to each lawyer, amounting in the aggregate to upwards of \$36,000. My colleague, Judge Kennedy, and myself unitedly believed the allowance, in many of these cases, was larger than justice demanded. We knew that great efforts were made by some of these lawyers to influence the Indian Committee to liberality in their favor, but, under all the circumstances, my colleague and myself finally concluded to yield something of our opinions to the Cherokee Committee, in the hope that by so doing a final settlement would be made of a class of claims which, if left open, might afterwards prove harassing to the Cherokees, as well as to the Government. Therefore, we confirmed the proceedings of the Indian Committee, and paid these lawyers accordingly. A very full record of all the proceedings herein referred to was made out,

recorded and, I presume, is now deposited in Washington. Upon this subject I retained my first drafts of most of the official decisions and papers, and therefore am not liable to misapprehension.

Upon many of the most important matters connected with my official acts in relation to Indian affairs, I was the more guarded to preserve official and record evidence of my own transactions, from a full sense of the very extensive and powerful influence against which I had to struggle and contend; and I am now more particular in recording many of these facts, and exercise less delicacy towards some other individuals than I could be induced, under different circumstances, to do, because I deem it necessary to the defence of my own integrity and character.

My every official act of importance was perverted and misrepresented from day to day by much the larger portion of the public press of Georgia. The editorial labors of my opponents were aided and strengthened by many ingenious and able writers. These Georgia efforts were republished and indorsed, from one end of the Union to the other, by all those presses opposed to General Jackson and myself. And nothing short of the force of truth, justice, and integrity could have sustained my public course, during my occupancy of the Executive chair of Georgia. I beseech the rising generation—all who may survive me—never to form an opinion of my life and character by anything which they may find in the newspapers of that day—papers established and sustained for the express purpose of destroying and prostrating my public and political reputation. I will do them the justice to say that they had more prudence than to assail my moral or private character.

Although my political opponents succeeded in misleading many of my personal friends and brethren to become my political opponents, yet even these misguided friends would not suffer my moral character, as a man or a citizen, to be traduced or assailed. I will, however, further elucidate this subject by inserting a small portion of my official correspondence while I occupied the Executive chair of Georgia.

This correspondence will shed light on the course pursued by both the Federal and State Judiciaries—by judges, lawyers and politicians, as well as the course pursued by myself—to sustain and defend the laws and rights of the State. Moreover, I will submit correspondence which

will exhibit the alarms and fears entertained by many of the good citizens of Georgia, and the rash and unjustifiable measures which they were induced to urge upon my favorable consideration. All this was brought about by the art of selfish and designing men, designed to mislead me, and injure the people and country. In order to understand some of the correspondence proposed to be submitted, the reader must understand that, under the provisions of the act of Congress, passed in 1830, ample provision had been made for the emigration of the Cherokees to the West, and a few of them were occasionally availing themselves of that provision.

It may be proper, further, to state that the policy of keeping up a military guard in the Cherokee part of Georgia was for the purpose of protecting the gold mines from the depredations of all sorts of intruders, and to aid the civil authority in executing and enforcing the laws of the State, and to aid in preserving the peace of the country, which was found to be indispensable; and was therefore sustained and kept up by appropriate legislation, during my continuance in office. Hence, much of my official correspondence will be found addressed to the commanders of these guards, and to other agents of the Government—State and Federal—and, when circumstances required it, to other individuals. It often became necessary that the policy of Georgia should be defended, even to the extent that she was assailed and caluminated; and this forced the expediency of a very extended correspondence on the then Executive of Georgia.

The Executive of Georgia was constantly importuned to release the missionaries, then confined in the Penitentiary under the laws of the State. This importunity was not confined to the good missionary spirit of the land, or to the women and children; but many of the most distinguished men, and from every section of the country—including the President of the United States, and a part of his Cabinet—united in this general importunity. Well, let facts speak for themselves. I had my reasons for all my dissents, as well as my assents. Let posterity decide.

The length of time and great space which I have already occupied, and shall hereafter occupy, in developing to the reader my public connection with the Indian affairs of the country—extending over more than a quarter of a century—and the extensive documentary evidence of my official transactions in various different positions may seem to require an apology. All that I have to offer is

the importance of the subject. The time will come when the history of these United States; in connection with its Indian policy, will be considered a fit theme for the historian, the philosopher, and the Christian. Moreover, I continue to see, up to the present day (May 1st, 1852), newspaper articles, letter writers, periodicals, and religious magazines, filled with articles calculated, if not designed, to falsify all the truths of historic facts in relation to Cherokee history—more especially, everything connected with the actings and doings of Georgia, in connection with these Indians. These publications rarely fail, even down to the present day, to present John Ross to public consideration as the great *Solon* of the age. He is extolled for his meek and Christian life and spirit, as well as his wisdom and righteous rule of the Cherokee people; as a disinterested and self-sacrificing patriot; as a great and good man, who has suffered from persecution and oppression all the days of his life.

Now, all this is greatly falsifying and perverting the truths of history, as is well known to many thousands yet numbered with the living. John Ross is the son of Daniel Ross, a native of Scotland who emigrated to the United States previous to the Revolutionary War, and took sides with England and the Indians in that war, and at its close settled amongst the Cherokees, and took a half-breed woman for his wife, by whom he raised a family of children, sons and daughters, John among the former.

The father of John Ross was a very shrewd and sensible man, of good education and very extensive general information. He had a small, but valuable, collection of books, which he both read and understood. He was in easy circumstances, and understood the Indian character perfectly. He never admired the free institutions of the United States, but retained to the last his revolutionary prejudices against our American institutions. He educated and instructed his family so far as to make them decidedly superior amongst the Cherokee people. From my first acquaintance with John Ross, now upwards of thirty years ago, I was sensible of his superior cultivation, and intellectual advantages. He is a well educated man—converses well, writes well, and is a man of soft, easy, gentlemanly manners, rather retiring and reserved; seldom speaks unadvisedly. In all the common duties and intercourse of life, he has always maintained a good moral character. His position in life, from first to last, has af-

forded him every facility to gain information and add to his stock of knowledge.

Although he did not come to the *Throne* by regular hereditary descent, yet very many circumstances pointed to him, from early boyhood, as the prospective ruler of the Cherokees; and he has governed them, in the most absolute manner, for upwards of a quarter of a century, by *seeming to obey*. A full examination of the records of the Federal Government will show that John Ross has had the entire control and disbursement of millions of dollars, as *King* of the Cherokees, during the last twenty years. The control of this immense amount of money, in the absence of any enlightened supervision or *check* on his financial aspirations, is the key that unlocks the secret cause of his long career of absolute reign and power, as well as his great popularity, at home and abroad. He has always had rivals amongst his countrymen in *intelligence, virtue and patriotism*; several of whom would have *eclipsed* him long since if they had been permitted to live. But through the influence of Ross, aided, as he always has been, by his *feed* stipendiaries, in and out of the Cherokee country, he has always succeeded in putting down all rivalry. John Ross, when compared with such men as John Ridge and Elias Boudinot, is a mere *pigmy*. No man can rejoice more than myself at the improvement and prosperity of the Cherokee people since their removal to the West; but to give the largest share of credit to John Ross for the present prosperity and prospects of the Cherokee people is falsifying the whole history of the past, in connection with that people. Every benefit, advantage, and bright prospect which the Cherokee people now enjoy has been secured to them and enforced upon them in the face of the most violent opposition of John Ross, and his humble followers amongst the Cherokees—as well as against the most untiring opposition of his political associates and legal stipendiaries throughout the United States. To all this host of opposition may be added all the religious *fanaticism* of the whole country.

I now proceed to sustain the foregoing statements. From the close of the Revolutionary War, down to the year 1828, the Cherokee Indians had been permitted quietly to remain in the country where they resided when the first civilized settlements were made in the country around their location. Like other Indians, they had made, from time to time, various treaties with the Government of the United States. In most, if not all, of these treaties

they had relinquished their claim to portions of the vast territory which they claimed as their lawful right, because they had seen some portions of it in the chase and from the mountain top. Thus things progressed, until the Cherokees were circumscribed in their limits to a country containing some ten millions of acres of land which, in the treaties hereinbefore referred to, had been guaranteed to them forever by the Federal Government. These remaining lands, where the Cherokees actually resided, lay within the chartered limits of the States of Georgia, Tennessee, North Carolina and Alabama.

From the whites, who settled amongst the Cherokees at the close of the Revolutionary War (being chiefly refugee Tories) and raising half-breed families, and from white renegades, who fled from justice from many of the different States, the white blood and the arts of civilization prevailed to a considerable extent in the Cherokee country, even before Moravian missionaries located in that country. But in the year 1825, when in that country, I visited missionary establishments of various denominations, and recollect very distinctly that at and around every missionary station I found quite a number of white persons, pursuing and carrying on various branches of the business which appertains to civilized society. Moreover, the necessary intercourse of the different States had caused many roads to be opened through the Cherokee country, and the traveler on those roads found safe ferry boats over the large waters, and as regular houses of entertainment for travelers as were to be found in the neighboring States. Indeed, the white population was regularly increasing in this country, for many years before the time of which I speak. And in all the various locations where you found the white blood and negro slaves the advancement in all the arts and customs of civilization were most obvious, pleasing and impressive.

But truth requires the statement of the fact that, from the year 1825 to the final removal of the Cherokees in 1840, the great body of the common Indians, who resided in obscurity and had but little intercourse with the white and half-breed races amongst them, still remained in brutal and savage ignorance. These ignorant savages dispersed all over the country, each had his favorite leader, or leaders—and these leaders, throughout the country, were constantly plied with the proper means to bring them under the influence and control of the principal chief and his subordinates in office. The Government established

by the Cherokees, about the year 1825, although it carried on its face a republican form, yet in its administration was most decidedly aristocratic, and in some respects exceedingly despotic. With the commencement of the written constitution, laws and government of the Cherokee people commenced that necessary and inevitable process and train of measures which hastened their expulsion from the different States in which they were located. Their very first attempt at sovereignty and independence, as a state, nation and people brought them into direct conflict and collision with not only the several State governments in whose limits they sojourned, but irreconcilable conflict and collision with the intercourse laws of the United States which so long had shielded and protected them from the operations of the laws of the States in which they dwelt. The Cherokees claimed to be a sovereign nation, exercising all the rights of self-government. Nevertheless, claiming all the guaranties and stipulations appertaining in their favor by treaties previously entered into by the United States, they *nullified* the treaties and intercourse laws of the United States which conflicted with their sovereignty. All the provisions of these treaties and laws which might be construed as tending to disarm and disrobe the several States in whose limits they resided of their sovereignty they pertinaciously adhered to, as the most sacred of all obligations; this state of things could no longer be endured. The States extended first their criminal and then their civil jurisdiction over their entire limits and population. This produced that crisis which very soon determined which of these powers had the right to govern in the territorial limits which was the subject of litigation; justice, wisdom, moderation, and great firmness triumphed without blood and carnage, but with great advantage and lasting benefit to all the parties in interest.

At the time of the formation of the Cherokee written Constitution, and adoption of their independent form of government, perhaps the intelligence of no nation or people ever entered into a compact of government with greater unanimity than did the Cherokees. They were pleased with the idea of assuming a name and a place amongst the civilized nations of the earth. They were deeply attached (in general) to the lovely land of their fathers, and disposed to enjoy their homes, in the midst of the graves of their departed friends. But few of them had the intelligence and capacity requi-

site to comprehend the system and workings of our Federal and State governments; and were, therefore, destitute of that demonstrative forecast which enabled them to see the utter impracticability of the success of their enterprise. They succeeded, however, in rallying around their effort one of the great political parties of the Union. The immense funds, contracted in the way of annuities arising from the sales of their lands under the provisions of treaties, afforded them the means of keeping constantly in their service legal stipendiaries—able writers—who employed their pens in furnishing able and plausible articles for newspapers, religious magazines, memorials to Congress, &c., &c. The name of John Ross, as principal chief, was appended to all the official papers, and hence he gained great credit and admiration for ability as a writer, which he never merited, his official papers being drawn up by the ablest lawyers of the United States. Under this state of affairs, the propriety and expediency of my official course, as hereinbefore detailed in this work, for a long course of years, I think will scarcely be questioned, either as to its expediency, wisdom or morality—its necessity, with a view to the great interest of Georgia, the United States, and lasting interest and benefit of this deeply interesting people, the Cherokees.

Without entering upon all the voluminous details which would be necessary to a minute understanding of every incipient step connected with this subject, suffice it to say that from the time that I systematically entered upon this Indian subject in Congress, in the year 1827, I used all the means within my control to *know and be known* to the wisest and best men of the Cherokee people *as we, respectively, were* I honestly put them in possession of my every thought, as regarded the best interest of their people. Finally, I gained the confidence, as well as the ear, of the wisest and best men of the Cherokee people. The Ridges, Boudinot, the Rogerses, Gunter, Bill, Sanders, Starr, Fields, Forman, Waters, and many others fully embraced my views and became convinced that the only hope of salvation to the Cherokees was to be found in their removal to the West. No patriotic men can be found on the pages of history who were more sincerely devoted to the best interest of their people than were these men. Neither Ross nor any of his followers ever more ardently desired to carry out and sustain their attempt at independent self-government in the land of their fathers than did these men. And they.

with great zeal and ability, defended the ground which they had assumed on this subject, until they were completely convinced that the force of circumstances, and the salvation of their people, required them to yield. They accordingly did so, with great reluctance, but with a clear conviction that they could do nothing better for their people.) These noblemen of nature had remained at home, in the midst of their people, participating in the constantly increasing embarrassments and evils which were constantly multiplying upon them, while Ross, and a few of his select favorites, were, from year to year, regularly spending as much of their time at Washington as though they had been members of Congress, feasting and enjoying high life, in the circles of their political partisans, and, at the close of Congress, visiting our great Northern cities, and thus spending the annuities of the Cherokee people in luxury, high life, and lordly ease. After these patriotic men fully made up their minds to look to the West as their permanent home, every day's investigation did but the more clearly convince them that it afforded the prospect of a most happy and fortunate change. This change of opinion brought them into intimate and close correspondence with their brethren of the West, amongst whom were some able men. All these things urged them forward, to take the responsibility which they did in the formation of the Treaty of Dec., 1835. And I would earnestly request any reader of these pages, who may entertain a doubt of the great and extraordinary advantages secured to the Cherokees by the provisions of this Treaty, to read and consider the same. He will rise from the reading well satisfied that it was the most liberal, honest, and just treaty ever before, or since, negotiated with any Indian people. The advancement and prosperity of the Cherokees, under the provisions of this Treaty, affords the most conclusive testimony of the validity of my assertions. Yet Ross and his assassin hosts have at every step, from beginning to end, opposed the making, the execution and validity of this Treaty, except, indeed, to avail themselves fully of the liberal individual benefits secured to them under the provisions of the Treaty. And, moreover, Ross has made a princely fortune for himself, by the Government of the United States buying up his approbation to the Treaty, by making him the emigrating agent in the removal of the Cherokees, and giving immense sums of money—more than the service was worth—to purchase his good will.

But I would have refrained from exposing this man Ross as I have done but for that most *horrid, appalling, deepest* of all mid-night crimes—the murder of Major Ridge, John Ridge, Elias Boudinot, and others, after they had settled in their beloved promised land, and all were happy and prosperous, as the result of the labors of these lamented men. These men were all murdered the same night, in their different houses, by savage bands, known to be the tools and instruments of John Ross. The righteous blood of these Abels will yet cry for vengeance.

Under all the foregoing circumstances, I pity the ignorance of good men who feel as if they were doing God's service, while they are writing and publishing eulogies on the character of John Ross, and extolling him for the present prosperous state and condition of the Cherokee people. If the counsels and plans of Ross could have been sustained by him and all his numerous co-workers, what would have been the result, at this time? Every Indian who failed to emigrate to the West would, before this day, have been exterminated from the face of the earth, or have existed in the most abject state of degradation and distress.

The whole of his plans were unwise, impracticable, and founded in selfishness and love of power. He dreaded emigration because, with it, he expected his greatness to depart forever. But, when necessity urged him to that act, he determined on the destruction of his rivals, and succeeded in executing his plans. He never ought to have been permitted to join the Cherokees in the West. If he could have shared the fate of Haman, or have been banished to New England, Hayti, or anywhere else, where the Cherokees could have been relieved from the curse of his presence and influence, I think it probable that they would at this day have been represented in the Congress of the United States, by delegates who would do honor to any State in the Union, and that their present state of prosperity, great as it is, would have been fifty per cent. better than it is at present. The best half of the intelligence, virtue and patriotism of the Cherokee people has been basely murdered, to gratify the revenge and ambition of John Ross. And it remains a crying sin against the United States that the murderers of the Ridges and Boudinot have not been punished, as justice and law demanded.

But this long digression from my intended purpose must cease. The intrinsic merit and great worth of char-

acter of the Ridges and Boudinot alone induce me to speak what I do know and testify what I have seen, as a tribute due to departed worth.

A private and unofficial letter written to Andrew Jackson, President of the United States; dated Monroe, Walton County, Nov. 1st, 1831.

Dear Sir:—

The personal regard and political confidence which I have ever entertained for your character induces me to make this communication. Before this reaches you, you will have been apprised of the public position assigned me by the voice of the unofficial sovereign people of Georgia. I have been called to this station contrary to my own wishes and contrary to the wishes and efforts of the State politicians, office-holders, office-seekers, lawyers, bank directors, &c. But the wish of the people must be obeyed. I assure you, with entire confidence, that my friends in Georgia *are your friends*. They are so from principle. We must understand each other, and co-operate in all measures for the public interest.

A crisis has arrived in our political affairs, in the Cherokee portion of Georgia, which cannot remain in its present attitude. A remedy must be applied.

This subject is not only of vital importance to Georgia, but *your* character, *mine*, and our common country are, and will be, deeply involved. Your opinions, private as well as public, will be venerated by me as coming from a father.

The extension of our State laws and jurisdiction over the Cherokees has evinced the great difficulty of administering justice to a people circumstanced as the Indians are. A few thousand persons dispersed over a territory of five million of acres of land, abounding in rich gold mines; the people indisposed and incompetent to aid in the administration of the law, presents an anomaly in the history of the world. Any laws which may be devised for the government of this country in its present situation, to be efficient, must partake largely of a military character, and consequently be more absolute and despotic than would be admissible, or necessary, in a country affording the materials for the administration of civil justice.

The State cannot, with honor or justice to herself, retreat from any of the ground which she has taken. To

retrograde, or stand still, will be ruinous. Would it not, then, be more manly and honorable—at once—to place upon the unoccupied territory a virtuous freehold population, possessed of all the inducements of other citizens to maintain order and good government in this country? Carefully, at the same time, guarding, by our Legislature, the rights of the Indians to their entire improvements and property of every kind, together with an ample sufficiency of land to sustain them and their posterity in their present abodes, so long as they may choose to remain.

I consider the present situation of Georgia a most delicate one. Prejudiced enemies, at a distance, may be tolerated and endured; but rest assured I speak advisedly when I say that the enemies of Georgia are alarmingly multiplying in her midst. The gold mines offer a rallying point for the concentration of bad men, from all parts of the world. Even our domestics may look to a controversy with the Cherokees, with feelings of deep interest. And many of our lawyers, judges and other distinguished *selfish men* I have no doubt, begin, now, to look to, and desire a continuance of the present state of things, as affording the best prospect of a rich harvest for themselves.

Please to consider this as a mere hasty sketch of my views, as I have not time to enter fully upon the subject. If consistent with your views of propriety it would be very gratifying, indeed, for me, through some channel, to have a distinct intimation of your views in relation to this subject.

. Very sincerely, yr. fr. & huml. servt.,

WILSON LUMPKIN.

The foregoing letter was written with a full knowledge that General Jackson did not coincide with my views of an immediate occupancy and settlement of the unoccupied lands claimed by the Cherokees. But, as my own mind was unchangeably made up on that point, I resolved frankly to give him an intimation of the course he might expect me to pursue, and to do so in that true spirit of kindness and confidence which I had always entertained for him. But, for months, I received no intimation from him on the subject, because my views were not approved of by him. However, when it was seen that I would not

be held back, but that I was advancing with success, we came to an understanding, and co-operated harmoniously to the end of the chapter.

WILSON LUMPKIN.

May 4th, 1852.

NOTE BY THE EDITOR.—Chapter IX of the manuscript, omitted from this volume, contains a portion of Gov. Lumpkin's correspondence, comprising 47 letters, addressed as follows:

Gen. John Coffee, 15 letters; Hon. Lewis Cass, 5 letters; Chas. C. Mills, Principal Keeper of the Penitentiary, 3 letters; Inspectors of the Penitentiary, 2 letters; Hon. Daniel Newnan, 2 letters; Hon. James M. Wayne, 2 letters; Col. Wm. W. Williamson, 2 letters; Wm. Ashley, Jr., 1 letter; Col. John W. Burney, 1 letter; Gen. Benj. Cleveland, 1 letter; Maj. Jesse F. Cleveland, 1 letter; Simmons Crawford, 1 letter; Gen. Thos. Glascock, 1 letter; Capt. James Hunter, 1 letter; President Andrew Jackson, 1 letter; Hon. R. M. Johnson, 1 letter; Hon. John P. King, 1 letter; Dr. Powell, 1 letter; Dr. D. H. Reese, 1 letter; Randolph Revill, 1 letter; A. G. Saffold, Launcelot Johnson and others, 1 letter; Dr. James Troup, 1 letter; Maj. Jacob Wood, 1 letter. Total 47 letters.

CHAPTER X.

Official Letters, 1833.

Executive Department, Ga.,

Milledgeville, Jan'y 2d, 1833.

Hon. Lewis Cass,

Secretary of War.

Sir:—Yesterday's mail brought me your communication of the 24th ult. I have given to it that deliberate consideration which its intrinsic importance and the highly respected source from whence it emanates demand from me. I am fully aware, and take great pleasure on all fit occasions in avowing my unqualified approbation and grateful sense of the manner in which the present administration of the Executive Government of the United States has managed and transacted their share of the delicate and difficult business relating to the existing relations between Georgia and the Cherokee Indians. Moreover, I am deeply impressed with an abiding sense of the fearful responsibility which the present administration has taken upon itself, with a view of doing justice to Georgia in relation to her Indian perplexities; in doing which the administration has not only incurred the displeasure, but has encountered the opposition, of a most formidable political and religious party, scattered over the whole Union—a party which has in many sections of our country had a preponderating influence, which would have paralyzed any administration which was not eminently distinguished for patriotism, talents and firmness. I am also fully aware and alive to the unhallowed and unprincipled course now in operation, by the nullifiers, and old friends of the Hartford Convention, and the great efforts now making by their hireling presses, to identify Georgia with South Carolina, both in principle and action. They are now making a great and united effort to throw Georgia into the nullifying wake of South Carolina, and for this purpose they endeavor to make it appear that the conduct of Georgia in the missionary case and that of South Carolina in her schemes of nullification, ordinance and all, are identical—are parallel cases. It cannot be be-

lieved, however, that any honest man of common sense will be at a loss to draw the proper distinction between the destructive heresies and acts of South Carolina, obviously tending to the destruction of the Federal Union, and those acts of Georgia which have been resorted to in defence of her local jurisdictional rights over her own citizens and territory. South Carolina has not only avowed her determination to resist the execution of the revenue laws of the country, but has openly assumed a position tending to disunion, and has actually commenced the organization of a separate and distinct government, based upon belligerent and warlike principles. Her new form of proposed government is not only founded on principles of hostility to her old confederates, but is arbitrary, despotic and tyrannical in the extreme, to all that portion of her own citizens who have the honesty and patriotism to dissent from her novel and wild career of revolution, and to adhere to our admirable and beloved constitutional Federal system. Now, because Georgia has resolved at all hazards to maintain and defend their own local laws, enacted for the punishment of offences committed against them, within her own admitted constitutional limits, shall she therefore be identified with the ambitious disappointed disunionists of other States? I trust not. As a Georgian, I blush for her sons who can aid and countenance the baneful and delusive doctrines of disruption, and more especially for those who are endeavoring to identify my beloved State with such heresies as nullification.

While the people of Georgia had grounds to believe that South Carolina was merely contending against the unequal and oppressive tariff system, even her errors and indiscreet zeal were received with a spirit of forbearance, and a kindred feeling was exercised towards her, even in her acts which could not be entirely sanctioned. But since the mask has been thrown off—since the appearance of the South Carolina ordinance, and her proclamations and laws, upon the subject of nullification, have made their appearance, the great body of the people of Georgia are responding to the late resolution of the Legislature of the State; "*we abhor nullification.*" The people of Georgia understand their rights, and will defend such as they deem to be essential and of vital importance at all hazards. They are ardently attached to the Federal Union, and they believe its preservation depends upon the Federal and State Governments being strictly confined within their respective constitutional spheres of action. That

Georgia has acted upon these principles in all her unpleasant controversies with the different branches of the Federal Government, appears to me to be so plain and palpable that I cannot doubt her being sustained by an overwhelming majority of the people of these United States. The absurdity of attempting to identify her with South Carolina, on account of the missionary case, appears to me to be too palpable to deserve serious refutation.

How stands this missionary case? Georgia believed her principal difficulties with the Cherokee Indians residing within her limits grew out of the bad counsel and influence of the whites who resided amongst them.

Her Legislature, therefore, passed a law making it penal for a white man to continue to reside amongst the Indians, unless he would first take an oath to support the laws and Constitution of the State. These missionaries, although advised and admonished by the Chief Magistrate of the State to comply with the law, or peaceably leave the State, obstinately refused to do either, but, to the contrary, hurled defiance at the State and its authorities. Whereupon, the law was enforced against them, and they incurred its penalties — penitentiary confinement. However, on their arrival at the prison gate the Executive voluntarily offered and desired to set them at liberty, upon the mere promise that they would not again locate within the Indian country of Georgia. This, again, they obstinately refused, and, of course, were put into the Penitentiary, where they have ever since received the most kind and indulgent treatment. From then till now they could at any time have been released and set at liberty by simply dismissing all their proceedings pending before the Supreme Court, and asking relief in a becoming manner from the Executive of Georgia. Less than this can never sustain the honor of the State, and her Chief Magistrate. Georgia cannot, without disgrace, be coerced by the threatening attitude of the Supreme Court, or any other power under heaven, to liberate those men. But the first moment that Georgia can be relieved from threats and menace, and her authority looked to and respected as it ought to be, by these individuals, they will be set at liberty. Those who suppose they can succeed in identifying Georgia with South Carolina and her heresies, through this missionary case, and thereby cast odium upon the President of the United States and Georgia, and make the people believe in their charges made of inconsistency and partiality, do but deceive themselves.

Such an effort must be predicated in the belief that the people are destitute of common sense, and consequently incapable of wise self-government—that they may be deceived by the sophistry of demagogues whenever it may suit the views of the ambitious. The people of Georgia unite with me in entertaining the highest respect and confidence in the President of the United States, as well as yourself, and would yield anything but principles which we deem to be inseparably connected with the best interest of our common country to gratify the wishes and promote the interest of the present Executive and administration of the Government of the United States. But it is my most deliberate and settled opinion that, in the present position of affairs, it would be destructive to the best interest of correct constitutional principles, as well as that of the high reputation of the present Executive administration of the Federal Government, for me to yield to the suggestions contained in your letter in regard to liberating the missionaries at the present moment. Although I think differently, it may be true that setting these men at liberty might contribute something towards accelerating a speedy arrangement with the Cherokees. But, desirable as this object is to Georgia and her citizens, yet I would greatly prefer encountering another thirty years' painful controversy rather than see my State and common country subjected to dishonorable imputations. Admitting I could at this moment consent for Georgia to abandon the ground which she has occupied in regard to the missionaries, what would be the inevitable effect? Georgia would not only be accused of yielding her principles in regard to State rights, but the charges brought against the President of the United States (on account of his late proclamation) that he is disposed to prostrate the rights of the States, would receive strength and countenance. And it would be said that I had yielded up the vital rights of Georgia to assist Andrew Jackson in using a despotic sway over the State governments, and more especially to wreak his vengeance against the politicians of South Carolina. The President's course, from first to last, in relation to our local Indian difficulties and the cases which have arisen out of them, affords the most able and conclusive defence of his correct and able opinions in regard to the just, proper and constitutional rights of the States, and no subsequent act of his friends should ever be permitted to take away the high ground on which he stands in this respect. The rights of Georgia, which he has coun-

tenanced and defended against all opposition, will shield him and his character in the future pages of history from the calumnies of the present moment, wherein he is accused of a disposition to trample on the rights of the States. The President, as well as myself, has equal regard for *State rights*, and *right States*. We have as little respect for *State* as we have for *Federal* usurpation. We cannot fail to unite as cordially in defending and protecting an oppressed and persecuted State minority from the galling yoke of despotism and bondage as we would to remove unnecessary and burthensome taxation. Sir, from what I have said you will perceive that, with the kindest and most respectful feelings, I am nevertheless under the necessity of dissenting from your views and wishes in regard to the release of the missionaries.

And permit me to add that neither the President, you, nor myself can properly be sustained, by yielding to the assumptions of the Supreme Court in the missionary case. The permanent prosperity of our common country forbids the idea of yielding. It is of equal importance that the *religious party in politics* should be checked. The purity of the Christian religion and the cause of the country alike demand that Georgia should be sustained in the ground which she has taken. Do let me hear from you soon in reply. And believe me,

Yours, respectfully and sincerely,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 4th, 1833.

Hon. John Forsyth,

Washington City.

Sir:—I have the honor to acknowledge the receipt of your favor of the 27th ult., together with the interesting papers accompanying the same.

I duly appreciate the good motives of the highly respectable individuals who have, in a patriotic manner, volunteered their efforts to render the country a service by quieting the excitements which have grown out of what is generally called the Indian question.

They are not as well informed, however, in regard to all the bearings of this subject as we are. I shall give

them correct information, and treat their kind regard for the interest and quiet of Georgia with becoming respect.

I have the honor to be,

Respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 5th, 1833.

To Messrs. Silas Wright, Jr., A. C. Flagg, John A. Dix, W. L. Marcy, Eliphalet Nott, Stephen Van Rensselaer, R. Hyde Walworth, Green C. Bronson, Simeon De Witt, B. T. Welch, B. F. Butler, Jacob Sutherland, John Savage, Abner Van Vechten, John Ludlow, Wm. B. Sprague, J. N. Campbell, Wm. Lohead, Isaac Ferris and H. Bleecker.

Gentlemen:—

Your communications, bearing date the 17th and 18th ult., have been duly received, and I have given them that earnest and deliberate consideration which their intrinsic merit and importance and the highly respected source from whence they emanate demand.

Your communications, although on different papers and in some respects variant in matter, nevertheless exhibit such identity of object and coincidence of general views as to justify, in my opinion, giving you a joint reply.

And permit me first, gentlemen, to assure you that I regard and highly appreciate the honorable, patriotic and philanthropic motives which I feel convinced has influenced you to offer your mediation, to allay existing excitements which disturb the repose, and even threaten the stability, of the admirable institutions of our common country. And suffer me especially to return you my grateful acknowledgements for the deep interest which you manifest for the welfare and repose of my own favorite State, in regard to her present local difficulties growing out of her Indian relations. Towards some of you, at least, I have the pleasure of grateful recollections for your past exertions in defending the rights and character of Georgia against unjust aspersions. As patriots and Christians I trust and believe our objects and ends are the same.

While your present communications are primarily directed to the case of the missionaries, Messrs. Worcester and Butler, whose immediate release from penitentiary confinement you recommend, you guardedly avoid entering upon the discussion of various subjects which are connected with, and have led to, their present confinement. I fully appreciate and approve of your motives, in thus delicately presenting the subject to me, stripped of controversy and excitement. But, nevertheless, it must occur to you that my peculiar duties and responsibilities, in the performance of the official act which you recommend, ought to be preceded by a full and fair consideration of all the circumstances and bearings connected with this peculiar case. However, I have neither time nor disposition, nor do I deem it necessary, to present to you all the considerations which must necessarily have a bearing on my mind in making up a decision in regard to my duty in this missionary case. I will say to you, however, that I deeply regretted at the time these men forcing themselves into the Penitentiary of Georgia; that their continuance there has been contrary to my wishes; and that the very first moment I can send them away, consistently with my duty to my God and my country, they shall not remain in prison a single day.

The act of the Legislature of Georgia, making it penal for a white man to reside on the Indian territory within the limits of the State without first taking an oath to support the laws and Constitution thereof, was predicated on the belief that mischievous white men were the prime cause of all our controversies and difficulties with the remnant tribe of Indians residing within our State. Before the law was enforced against the missionaries they were advised and admonished by the Governor of the State to leave the State peaceably, or obey the law. They not only refused, but acted in a spirit of defiance to the authorities of the State. After they arrived at the prison gate, under the sentence of the law, a free pardon was offered to them if they would merely promise not to settle again on the Indian territory of Georgia. This they also refused.

From the day they entered the prison, till now, they might at any time have been discharged, by relieving the State from the threats and menace of being forced to discharge them, and by making respectful application to the authorities of the State. More than what I have named never has been required by Georgia, and less will never be deemed satisfactory. The ground which the State has

maintained on this subject can never be abandoned without dishonor to herself—a vital stab to the palpable constitutional rights of the States to enact and enforce laws for the government of their own population, within their admitted jurisdictional limits, and degrading the present executive administration of the Federal Government, which has coincided with the views of Georgia in every important step which she has taken in this matter. The constitutional rights of the States, which have been vindicated by the present Executive Government of the Union, on questions of controversy growing out of what has been termed the Indian question, will do immortal honor to the name of Andrew Jackson, and afford the material for the future historian of our country to vindicate his fame from the calumnies of the present moment, wherein he is charged with a disposition to trample on the rights of the States, and change the Federal into a consolidated government. I am fully aware as yourselves that the ground taken by Georgia and the policy which has been pursued by her authorities, and sustained by the President of the United States, has met with the severe censure, animadversion and disapprobation of a large and respectable portion of the people of this Union. Moreover, I am apprised that the political opposition which has been arrayed against us has received great strength and zealous aid and co-operation from a highly talented and influential portion of the Christian community of our country. Indeed, the opposition has been such, and so ably managed, that its preponderating influence would have paralyzed any cause which was not based upon the eternal principles of truth, justice and good will towards man. Six years ago, as some of you can witness, when (humble as I am) I had the honor to propose and urge upon the consideration of the American Congress the expediency and propriety of providing by law for the removal of the whole of the remnant tribes of Indians, then remaining in the States and Territories of the Union, to an eligible country west of the Mississippi river, I was viewed by a majority of even that enlightened assemblage as premature and visionary in my plans, and was even accused of the dishonorable motive of seeking popularity at the expense of the lives and best interests of the unfortunate remnants of the aboriginals of North America; but now, as you intimate, the wisdom, the expediency and practicability of the plan has received the seal of approbation from three-fourths of the people of this Union.

"Truth is mighty and will prevail." Now, under these circumstances, is it wise, prudent or expedient that the authorities of one of the sovereign States of this Union, sustained in her course by the often repeated official opinions of Andrew Jackson and his able auxiliary at the head of the War Department, should make humiliating concessions to the very individuals and public functionaries who have contributed most to excite and agitate our beloved country upon (to say the least) mistaken grounds? No, gentlemen, Georgia can never abandon the ground which she has taken and defended on this subject. The people of the State understand their inherent, their unalienable reserved rights; and such rights as they deem to be of vital importance they will defend at every hazard. They are ardently attached to the Federal Union, and they believe its preservation depends upon the Federal and State Governments being strictly confined within their respective constitutional spheres of action. And that Georgia has always acted upon these principles in all her unpleasant conflicts with the different departments of the Federal Government appears to me to be clearly established by the verdict of the grand inquest of the American people. It must be admitted that she has, upon several occasions, received the sentence of condemnation by Presidents, and Judges of the Supreme Court; but the sovereign people of the Union have, upon the appeal being brought before them, reversed these verdicts. I am, therefore, annually strengthened in the belief that the people of these United States are not only capable of self-government, but of *wise self-government*; and I trust a kind and indulgent Providence designs, through the immediate instrumentality of a virtuous people, to perpetuate the blessings of our good system of government, to the end of time.

I am fully aware of the various efforts which have been made, and are still in operation, with a view of identifying Georgia with her sister State, Carolina, in her new theories and novel proceedings. This, gentlemen, is a delicate subject, but we have fallen on times which demand patriotic plainness. The integrity of the Union is jeopardized, and consequently the liberties of the people are endangered. I am sure, gentlemen, you have too much intelligence to believe that the conduct of Georgia in the missionary case is identical—or a parallel case—with that of South Carolina, in her schemes of nullification, ordinance and all. It cannot be believed that any honest man

of common sense can be at a loss to draw the proper distinction. South Carolina has not only avowed her determination to resist the execution of the revenue laws of the country, but has openly assumed a position preparatory, as they think, to disunion, and has actually commenced the organization of a separate and distinct government, based upon belligerent and warlike principles. Her new form of proposed government is not only founded in principles of hostility to her old confederates, but is arbitrary, despotic and tyrannical in the extreme to the minority of her own citizens who are still disposed to adhere to the Union. Now, because the people of Georgia are unitedly resolved, at all hazards, to maintain and defend their own local claims, enacted for the punishment of offenses committed against them within her acknowledged jurisdictional limits, shall she, therefore, be identified with South Carolina? I trust not. While the people of Georgia had grounds to believe that South Carolina was merely contending against the unequal and unjust burthens of the present tariff system, even her errors and inordinate zeal were received with forbearance, and a kindred feeling was exercised towards her, even when her principles and theories could not receive our sanction. But the appearance of the South Carolina ordinance, and other subsequent acts, has caused the great body of the people of Georgia to respond to the words contained in a late resolution of the Legislature of the State: "*We abhor nullification.*" But while I thus deprecate the proceedings of the ruling party in South Carolina, I trust you will bear with my frankness in expressing the opinion which I most seriously entertain in regard to the provocations of the Southern States. The people in some sections of this Union assume to themselves not only the capacity but the right to judge and determine what measures will most effectually promote the interest of the South. In other words, they seem to think they understand our true situation, circumstances and interest better than we do ourselves. Now, these are assumptions which will never be quietly endured by freemen. We know those at a distance are wholly ignorant and unqualified to manage and direct our local affairs. I have known for years that the protective tariff system must be abandoned, or the Union would be destroyed, whether real or imaginary measures which are considered intolerable by whole sections of our country must be abandoned.

In conclusion, permit me again to advert to the case of the missionaries, and to assure you, gentlemen, that I would yield anything but principles which I deem to be inseparably connected with the best interests of our common country to gratify the wishes and promote the happiness of you and very many other highly valued friends. But it is my deliberate and settled opinion that, in the present posture of affairs, it would be destructive to vital constitutional principles, and deeply injurious to the exalted character and reputation of our present Chief Magistrate. It may be true that liberating these men at the present moment might contribute to the acceleration of making an arrangement with the Cherokees for their lands in Georgia, but, desirable as this object is to the citizens of this State, I would greatly prefer another thirty years' painful controversy to dishonorable compromise.

Admitting I could at this moment consent for Georgia to abandon the ground which she has occupied in regard to this case, what would be the inevitable effect? We should not only be justly accused of yielding our principles in regard to State rights, but the charge brought against the President of the United States (on account of his late proclamation), that he is disposed to prostrate the rights of the States, would receive strength and countenance. It would be alleged that I had yielded up the vital rights of Georgia to assist Andrew Jackson in exercising a despotic sway over the State governments, and to wreak his vengeance against the political men of South Carolina. The President's course, from first to last, in relation to our local Indian question, and the cases which have arisen out of them, affords the most able and conclusive defence of his correct and able opinions in regard to the reserved rights of the States, and no act of mine shall ever contribute to tarnish the high ground on which he stands in this respect. The rights of Georgia which he has countenanced and maintained against the most powerful and bitter opposition will go far to shield him and his character in the future pages of history from the calumnies of the present moment, wherein he is accused of a disposition to trample on the rights of the States.

Gentlemen, after all that I have said, I trust you will perceive that, with the kindest and most respectful feelings towards you and others who are not so intimately identified with this missionary case as myself, I am bound to say I cannot yield to the assumptions of the Supreme Court in this matter. The permanent prosperity of our

beloved common country forbids my yielding. Let these men dismiss the proceedings now pending before the Supreme Court against Georgia, and let them apply to the proper authority of the State, in a respectful and becoming manner, and they shall go free, and not till then.

With high consideration and regard, I am

Your most obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, 19th Jan'y, 1833.

Hon. L. Cass,
Secretary War.

Dear Sir:—I have just read yours of the 9th inst. with satisfaction, and, before this reaches you, you will have seen my definitive act in relation to the missionaries.

The moment things were brought to the proper point for which I had contended, they were released. I trust the good effects which you have anticipated may result from this act, especially in effecting a satisfactory treaty with the Cherokees.

It appears to me that now is the most auspicious moment to effect a treaty with this deluded people. The Cherokee delegation, headed by Ross, are now in your city. The impulse of their Northern friends, produced by their late conversions to the emigration plan, may also be used to advantage. But it is useless for me to add any suggestions to you upon this subject. Suffice it to say I have entire confidence in your skill, ability and disposition to manage this case to the greatest advantage. And I am well aware that your anxiety is scarcely less than my own, to terminate the local embarrassment of Georgia on this subject—all of which, in all their bearings, cannot fail to press themselves on your consideration. Please to make my respects acceptable to the President, and say to him if the Executive Administration can be sustained by Congress on the tariff subject, the South is safe. And receive for yourself the assurance of my friendly regard and high consideration.

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 19, 1833.

Hon. Jno. Forsyth,
Washington City.

Sir:—I thank you for the information contained in your favor of the 9th inst., upon the subject of the missionaries, although I had received the same intelligence and more in detail, through other channels previous to the reception of your letter. Before this reaches you, you will have seen my official action on the missionary case, which, of course, from the contents of your letter, will be approved of by you, and I may add, I entertain no doubt will be approved by every candid, intelligent man, in and out of Georgia, when the whole ground upon which I have acted shall be fairly before the public. Yet I find there will be zealous efforts made by the "nullifiers" to condemn my conduct in releasing these men.

However, my confidence in the good sense and honesty of the people of Georgia is firm and unshaken; their public agents have but little to fear, so long as they do their duty.

Now, sir, the only deeply interesting local matter in relation to the affairs of Georgia is to effect a satisfactory treaty with the Cherokees. And to this point I beg leave to urge your earnest attention, under all the existing circumstances upon which it is unnecessary for me to dwell, when addressing you who understand them so well. It appears to me that now is the auspicious moment to urge successfully for a treaty with the Cherokees. Their delegation, headed by Ross, are now in Washington. Their Northern friends, under the impulse of their late conversion to the emigration plan, may now use their influence to great advantage.

I am, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 19th, 1833.

Hon. James M. Wayne,
Washington City, D. C.

Dear Sir:—I have just read your very interesting letter of the 9th instant, for which I thank you. I have also,

as you expected, received a letter from Mr. Forsyth. Before this reaches you, you will have seen my official action on the missionary case. Those who are disposed to *war* with the Federal Government—*cause or no cause*—will, of course, condemn my act in the release of these men; but, when the whole ground upon which I have acted shall be fairly before the public, I entertain no doubt of being fully sustained by the candid, intelligent part of the people, in and out of Georgia. My confidence in the honesty and good sense of the people of Georgia is firm and unshaken; their public agents have but little to fear, so long as they do their duty. Now, my dear sir, let us make every effort to put to rest forever the territorial perplexities of Georgia by a speedy formation of a treaty with the Cherokees. I need not dwell, when addressing you, upon the various circumstances which combine to make the present the most auspicious moment for urging a treaty upon the Cherokee delegation now at Washington, with Ross at their head. Their Northern friends, under the impulse of their late conversion to the emigration plan, may become useful auxiliaries to the agents of the Government in effecting a treaty. We should not slumber, or sleep, until this last remaining local case of Georgia is forever put to rest. I concur with you most heartily in forgetting past petty conflicts and party strifes, and uniting with the patriots of the land in the great cause of our common country. I rejoice in the prospect which your letter affords of a speedy and satisfactory adjustment of the tariff, and trust you may not be mistaken.

Such a result as you anticipate will save the country, and hush the voice of demagogues. The just rights of the South being sustained, the people of Georgia will be content; nothing less will, or ought to, satisfy them, and nothing more will be required, the efforts of the disorganizers to the contrary notwithstanding. The policy which we have sustained is unquestionably gaining strength, and if properly maintained before the people cannot be overturned, based as it is upon the immutable principles of truth, and having for its object the happiness and welfare of this and future generations, to whose interest we have devoted much of our past lives.

I am, with much respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 23rd, 1833.

Col. Wm. W. Williamson.

Dear Sir:—I have just received, and carefully perused and reflected on the contents of your letter of the 11th inst. Take it altogether, and it exhibits an unpleasant state of things in the new country; but not worse than I anticipated for some time before the adjournment of the Legislature. That nothing was done in the way of legislation suited to the existing state of things in Cherokee is by no means justly attributable to the want of correct information being before the Legislature, but to an obvious determination on the part of that body to do nothing which the interest of the State required in relation to that country. It was repeatedly urged upon the Legislature to make some final disposition of the fractions, but they would not. The continuance of the guard, until the organization of the counties, at least, was urged as being indispensable; but this was wholly refused by the Legislature. Indeed, it appeared to me that a majority were resolved that evil and confusion should grow out of our arrangements for settling the new country. And, whatever evils may accrue, the guilt must fall upon their own heads. However, it is my duty to administer such laws as I find to the best possible advantage, whether they be appropriate or not. And even where I have no law I must use my best exertions to preserve the lives and property of the people.

If I can find voluntary patriotism enough in the State to aid me in protecting our citizens in the settlement of the new country, it shall be done. Let no one think of abandoning their new homes, nor let any one who may be authorized legally to settle in the new country be deterred from doing so. You have not only done right in placing a guard of four men in the alarmed neighborhood, but, if it shall be necessary, we will have *four thousand men* in the country to protect the lives of our citizens. The murderers of Bowman and his family must, and shall, be punished. It seems to me, as the best mode of apprehending and bringing to justice these cruel murderers, that a suitable reward should be offered for the apprehension of the guilty, which I would do forthwith, in a suitable manner, if I was in possession of the requisite information; but I only know that the family was supposed to

have been murdered by Indians—I know not what Indians, or how many. I am, therefore, at a loss how to offer rewards, or issue proclamations.

You will, however, consider yourself authorized, in my name, to give such notice, and in such form as you may deem proper, that I will pay a just and liberal reward to such person or persons as may apprehend and bring to justice the offenders. Under existing circumstances, we cannot, with propriety, hold the chiefs accountable for the depredations committed by their people; but they may be assured that they will consult the best interest of themselves and people to be prompt in aiding and assisting the authorities in apprehending and punishing promptly all such depredations as those recently committed on Bowman and his family. As to the extent of danger, or guard that may be necessary for the protection of the people, I shall rely chiefly on your judgment, for I shall be constantly misled if I rely upon the selfish statements of interested individuals. I am fully aware of the fact that your present agency will be very laborious and difficult to execute, and attended with many perplexities and embarrassments, and that, if you are so fortunate as to succeed in the execution of the duties contemplated, your best reward will consist in having rendered a very important service to your State. I think, however, from your letter that your first impressions, from the reading of the late act of the Legislature defining your duties, are, perhaps, not so correct as they will be on more mature examination and reflection. I do not, under the act, consider it your duty to prevent intrusions on the fractions, or to protect our white population in any way. All I shall expect from you in regard to these matters is expected on account of my confidence in your judgment and patriotism, and the favorable position which you occupy to aid me in giving me information and making arrangements to meet such exigencies as may occur.

The law under which you are acting appears to me to be chiefly confined to the single object of guarding and protecting the rights of the Indians, and securing to them such rights and immunities as may be guaranteed to them by our State legislation. The difficulties which you suggest and point out will become fair questions for the adjudication of our courts.

I have always entertained doubts that the temporary provision made by our laws, with a view of securing to the Indians their homes, would be of little service to them,

when surrounded by a white population. The white man and Indian cannot live together, under such circumstances as now exist in Cherokee. But impress it on the minds of all our citizens that the day is at hand when the Indians will take their departure from Georgia. I am not mistaken in these views, and such considerations should lead our citizens to the exercise of temporary patience and forbearance.

I am, with great respect,

Yrs., &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 27th, 1833.

Hon. Geo. W. Owens,

Mayor of the City of Savannah.

Sir:—I have the honor to acknowledge the receipt of your communication of the 21st inst., enclosing the copy of a memorial of certain citizens therein named, which has been presented to the Board of Aldermen of the City of Savannah, and acted upon by them, as appears from the papers which I have received. In reply, I must beg leave, in the first place, to correct a misapprehension which seems to exist in regard to the discretionary power confided to the Executive by an act of the last Legislature. If there be any act of the Legislature conferring the supposed power pointed out in the memorial on the Governor, I have not been able to find it. I would respectfully ask the attention of the respectable citizens, who are under the impression that any part of the grievances of which they complain are chargeable to the Executive, to the annual message of the Governor to the last General Assembly, and to the various acts of the Legislature, providing for the improvement of roads and rivers; and if such examination should result in the conviction that the present Executive has omitted in the slightest degree to attend to their interest, as far as the laws of the State would authorize, I would respectfully ask that the same may be pointed out to me, when I can assure all who may feel themselves interested I will promptly turn my attention to their complaints, and to the uttermost of my power and ability discharge every

duty which may be required by the laws of the State.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

The following was addressed to the persons named, accompanying the order of their appointment, under the authority of the Legislature to amend or draft a new penal code for the State:

Executive Department, Ga.,

Milledgeville, Jan'y 22d, 1833.

Hon. Wm. Schley, Augusta, Ga.

Hon. Jno. A. Cuthbert, Milledgeville, Ga.

Hon. Jos. Henry Lumpkin, Lexington, Ga.

Dear Sirs:—The order of appointment herein enclosed affords on its face the authority under which it has been made, and points out the duties which are to be performed. The gentlemen associated with you in the appointment are also named. It will devolve on you, then, to make such arrangements as you may deem expedient for the prosecution of the labors contemplated by the Legislature.

My entire confidence in the ample qualifications of yourself and colleagues for an able discharge of the important duties to which you are invited renders it unnecessary for me, with my very humble pretensions to legal acquirements, to submit anything to you (who are so much better qualified) in the form of advice, or instructions.

The whole matter is, therefore, submitted to you with a full latitude for the exercise of that judgment and discretion which seems to have been contemplated by the Legislature. It will, however, afford me great pleasure to confer with you on the several subjects confided to your charge, and furnish you with all such information as may be found on the folio of this office which may, in any way, be calculated to aid you in your undertaking.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 2d, 1833.

Dr. N. B. Powell,
Macon, Ga.

Sir:—I have just read your letter of yesterday's date. I very much regret to hear of the impediments thrown in your way and progress in the execution of your public duty, so far as relates to the road which you are now engaged in making, from Thomaston to Macon. I can only advise you, however, to prosecute your duty, as defined by law, and use your best judgment in all matters left to your discretion, constantly keeping in view the public interest, regardless of personal considerations.

If any improper considerations should so far prevail, in any County or portion of the community, as to prevent or hinder your progress, you will, of course, be under the necessity of abandoning your plan of rendering them important public benefits, and direct the public resources placed under your control to better disposed portions of the community. You will, of course, feel yourself bound to respect the decisions of the judiciary. The faithful execution of our laws depends upon the co-operation of the different departments of the Government. I entirely approve of the course which you have taken in referring the case to the advice of the Solicitor General. And I should deem it most expedient, under all the circumstances, for you to rely entirely upon the counsel of the Solicitor General. He is the officer of the Government, and by following his advice you place the responsibility where it properly belongs.

Very respectfully, your obt. servant,

WILSON LUMPKIN.

Executive Department, Georgia,
Milledgeville, April 18th, 1833.

To the Editor of the Georgia Courier.

Sir:—In your paper of the 15th inst. I observe the following paragraph: "A law of the last session requires the banks of this State to make quarterly reports. We are requested to ask 'if they have been made, why have they not been published?'" For the information of the public I avail myself of this occasion to state that no act of the Legislature requires quarterly reports to be made

by the officers of the banks. And further, that no act of the Legislature directs or requires the publication of bank reports which may be made at any time. By the act of the Legislature, passed at the last session, entitled "An act more effectually to secure the solvency of the banking institutions of this State," it is made the duty of the President and Directors of the several incorporated banks of this State to make semi-annual returns, on the first Monday in April and October in each year, to the Governor, "*and to be subject to the examination of the Legislature.*" Should the President and Directors of any one or more of the banks fail to comply with the requirements of the law in making their reports, it is then the duty of the Governor to notify the Treasurer of the State, and the President and Directors of the Central Bank, of said delinquency. Whereupon it shall not be lawful to receive the bills of such delinquent bank, or banks, in the payment of any debt due the State of Georgia, or the Central Bank, until such returns shall be made in conformity with the provisions of said act.

The Governor is further authorized and required, as far as he may deem it expedient and for the public interest, to publish the name, or names, of any bank, or banks, *which may fail to comply* with all the requisitions of the act recited.

Permit me to add that the preamble of the act under consideration, *when taken alone*, would seem to indicate the intention on the part of the Legislature to lay the reports of the several banks directly before the whole community. But when we take the preamble and body of the act together, we are forced to the conclusion that the contemplated publicity was designed to reach the public by the Governor first submitting them to the Legislature. I am fully apprised of the intense anxiety which pervades banking communities to ascertain the condition of each other, and have therefore been strictly guarded, since the reception of the returns recently received from different banks, under the late law, not to permit access to these reports, which might possibly give a partial advantage to one interest over another. I shall not permit these bank reports to undergo any inspection which may produce any undue or partial advantage or disadvantage to individuals, companies, or communities. No partial copies, extracts, or information shall be given. The publication, when made, must embrace all. I have long since imbibed an aversion to governmental or official secrets,

and, so far as relates to myself, I have no official acts or correspondence which I am disposed to conceal from the public. In regard to these bank reports, the law has placed me in an embarrassing situation. If left to my own discretion, I have no disposition to withhold anything which may be on the files or records of this office from any citizen; yet it is my duty to execute the laws of the State as I find them, and the law gives no authority for the publication of these bank reports, but makes it my duty to lay them before the next session of the Legislature. In the meantime, I have had many applications to see, and obtain copies of, these reports—to grant which would, in my opinion, afford partial and unjust advantages to those who obtain the information, and perhaps prove to be seriously injurious to the currency of the State. Yet, to refuse access to these reports will subject me to the illiberal censure of withholding from the community any real or supposed maladministration of the affairs of any one or more of the banks of the State.

I have not yet received the entire returns required by the late act of the Legislature from all the banks, and, from a full consideration of the whole subject, I am not at this time prepared to say that circumstances may not force me to the conclusion that justice to the people, as well as to the different banks, will require me to assume the responsibility (though not contemplated or forbidden by law) to lay the entire reports before the public.

I am, sir, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, April 22d, 1833.

To Andrew Jackson,

President of the United States.

Dear Sir:—I have deemed it expedient to inform you and, through you, the Secretary of War, of the present prospect and state of affairs amongst the Cherokee Indians. Since the return of Ross and company from Washington, the prospects of a treaty with the Cherokees have constantly lessened. I am not prepared, however, to attribute the change of feeling amongst the Cherokees to any influence which may have been used by their own dele-

gation, but rather incline to the opinion that these individuals are acting in concert with the enemies of good order and government. It is quite evident that the enemies of the Union are doing all they can to give us trouble with the Cherokees.

Regardless of truth or foundation, the Indians and Indian countrymen are told that, under a late act of Congress, the way is prepared to restore them to all their former high expectations of independent government, &c. Idle as these stories are known to be to every man of sense, yet *men of sense* are found to be base enough to exert their whole energies thus to delude and mislead this unfortunate people. Yea, newspapers and citizens of Georgia are, at this moment, engaged in the unhallowed work of fanning the embers of strife between the Cherokees and the Government of Georgia; and I regret that in some neighborhoods, where but few whites have settled, the Indians have manifested a spirit of disregard and insolence to our laws. I have, however, so far relied upon the civil authority of the new organized counties, and shall continue to do so, until I am assured that there is not sufficient moral force in the country to maintain the supremacy of our laws. I have taken proper steps to remind the leading men amongst the Cherokees that it is my duty to see that the laws of the State are faithfully administered and executed, and that they must be obeyed by every description of population within the State. I have warned them against adhering to the counsels of bad men. I have, moreover, reminded them of the kind solicitude with which I have watched over their interest, and how they have been shielded from oppression by the agents of the Government sent amongst them. I have told them distinctly (as you have done before) that, so long as they remain in the State, they must yield obedience to its laws. This course has become necessary, on account of the falsehoods propagated by the enemies of the country. They have told the Indians that the United States troops lately marched from Augusta to Tennessee were sent on as an advance corps designed to drive the Georgians from the Cherokee country.

After the developments which will transpire at the Cherokee Council, which is to meet on the 14th of next month, we shall be better prepared to judge in regard to subsequent measures. You will please excuse me for suggesting that it may be useful for you, in some distinct form, to let the Cherokees know that all those statements

of your unprincipled enemies are mere slanders which go to charge you with any change of opinion in regard to the rights or prospects of the Cherokees.

I am, dear sir, with unabating confidence and esteem,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, April 20th, 1833.

Col. Wm. W. Williamson.

Sir:—I have just read your communication of the 17th inst. Unpleasant as the state of things represented in your letter may be in the new country, I am fully prepared for such a communication from you, from information previously received from various sources. The evils complained of would be much more painful to me if I had not the consolation of having used every exertion within my control to prevent them. The insolence and irregularity of the Indians may be traced, first, to the imprudence of the Legislature in abolishing the guard; and, secondly, to the unprincipled and lying newspapers and demagogues of our own State. Under the provisions of the act of the Legislature under which you are now engaged, your authority is now at an end.

The new counties are now organized. It is the duty of the civil officers of the new counties to execute the laws and maintain good order. If the state of the population should be found to be such as not to afford the moral force to execute the laws, let the proof be submitted to me, and I shall then feel myself authorized to maintain the laws of the State by all the means which the laws and Constitution of the State place within my control. I deeply regret the evil effects of the falsehoods and perversions which have been resorted to by the enemies of good government to mislead the deluded Indians, and white men connected with them; but the penalty of all the mischief will fall more severely on their own heads. I agree with you in believing that the *enemies* of Georgia as well as of her true friends will be so far able to delude the Indians as to prevent their making a treaty this spring. If they do, the door of emigration will again be opened, and those who decline availing themselves of the benefits

of that last best offer will sorely repent it, for the next Legislature of Georgia will most certainly authorize the granting of all the lands in the occupancy of white men, as well as the lands of individuals who have heretofore been paid for reserves under former treaties. You are mistaken in supposing I have authority to issue grants to lands which have been returned by the surveyors as being in the occupancy of natives, or the descendants of natives. It is my sworn duty to make the law my guide. If I had the power to make the law, as well as to execute it, I could then promptly meet many of the difficulties which you suggest. But I must adhere to the laws as I find them.

Your views in regard to white men claiming Indian privileges are correct, and I have for some time past been receiving information in regard to the conduct of the individuals whom you have named. But the meeting of the next Legislature will put an end to their supposed greatness and influence. The Cherokee Council, in May, will develop the course of measures which ought to be pursued. I am very desirous of having the opportunity of seeing you, and conversing freely and fully with you, previous to the meeting of the Cherokee Council. Upon the reception of this, you are authorized to dismiss your guard, and repair to this place, with a view of making your closing report as agent, &c.

And permit me, now, to apprise you that my present impression is that your attendance on the approaching Cherokee Council might be of great use to the State; and, if so concluded, after full consultation, I will commission you to attend to that duty, and put you in full possession of my further views in regard to our Indian affairs. Do not fail to write to me immediately, and let me know whether you are willing to attend the Cherokee Council—first visiting this place.

Yours, with great respect.

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 2nd, 1833.

Col. Wm. N. Bishop,
Spring Place, Murray Co., Ga.

Dear Sir:—I have just read with feelings of deep interest your letter of the 24th ult. I hope before this you

have received my letter to you of the 26th ult., which will afford you most of my views in relation to the subjects to which you have called my attention. Permit me now, however, further to remark to you that the approaching Council of the Cherokees will be the favorable time to arrest the various evils of which you complain, and you may rest assured that I have made the best arrangements which my judgment could devise to have all these various matters attended to. Should my anticipations of putting a stop to the disorders of which you complain by the means now in progress fail of success, you may rest assured, and assure others, that, immediately after the adjournment of the Cherokee Council, other and efficient measures will be resorted to by me to ensure a faithful administration of our laws in every part of the new country.

I shall have an agent at the Cherokee Council who will be in possession of your views, and those of other gentlemen whose opinions coincide with yours, on the state of our affairs in your country, who will pay special attention to the several subjects embraced in your communications. Lest my former communication should by some means miscarry, I again acknowledge the receipt of the notes and satisfactory report which you have transmitted to the department, as renting agent, &c.

I still regard the present unpleasant state of things in your neighborhood as temporary, and as growing out of the causes pointed out in my former letter, which I hope you have received before this time.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department,

Milledgeville, May 10th, 1833.

Gen'l Thomas Glascock,

Augusta, Georgia.

Sir:—Having put you fully in possession of my views and policy in regard to the existing relations between this State, the Cherokee Indians, and the Federal Government, and having also laid before you a full view of the present state of our Indian affairs, as well as the information and evidence upon which my opinions have been formed, I deem it, therefore, unnecessary, in this letter of general instructions, to refer specifically to the

evidence which has led me to the conclusions to which I have arrived.

First. It may be proper to remark that in appealing to your patriotism to undertake the agency of attending the approaching Cherokee Council, I have done so on my own responsibility, as the only officer of government who has the power to meet the present contingency in representing the indispensable and great interest of the people of Georgia at the approaching Cherokee Council. Your expenses, and a reasonable compensation, will, therefore, be paid out of the contingent fund.

Second. You will consider yourself particularly instructed, should you have an opportunity of conferring with any responsible agents of the Federal Government who may be entitled to your confidence, to explain to them fully the objects of your mission. Assure them of our unabating confidence in the Executive authorities of the United States, and of our disposition to co-operate with the Federal authorities in carrying into effect the joint object of Indian emigration.

Third. I am not at this time prepared to determine how far you may have the authority of the Executive Government of the United States in a direct form which may enable you to contradict and disprove the various false reports which have been propagated amongst the Cherokees, with a view of preventing them from making a treaty.

The great and leading object, however, of your mission will be to convince the Indians and Indian countrymen, as well as our citizens of every description, of the imperative necessity of respecting and enforcing the laws of Georgia throughout what is still called the Cherokee Country. If reason and considerations of interest should fail to sustain the execution of our laws, other and stronger measures must and will be resorted to. The kind regards which the authorities of Georgia have manifested and practised towards the Indians since I entered upon my Executive duties might be urged with force. The agents whom I have sent amongst the Indians have treated them not only with justice, but with much kindness.

Many considerations of deep interest to the Cherokees may be urged upon them with a view of convincing them that the present is the most favorable and auspicious time for them to close with the terms proposed by the Federal Government. If they refuse to treat, a door will be forthwith opened for enrollment and emigration, which will divide and take off a great part of their present popu-

lation whose places will immediately be filled up by the whites. Moreover, the Legislature of Georgia will not much longer permit white men to remain in the country, in the full enjoyment of the double rights of being citizens of the State and, at the same time, enjoy exclusive privileges under the pretext of native rights. Those who remain in the country cannot expect, as our population increases, to enjoy the extraordinary privileges and protection now guaranteed to them. It is extreme folly and wholly fallacious for the Cherokees to entertain the shadow of a hope that the Federal Government will ever attempt, in the slightest degree, to overturn the laws of Georgia in regard to the soil or population within the chartered limits of the State. Upon all these various heads I have full confidence in your qualifications to do ample justice to the rights and views of the State, and therefore deem it unnecessary to enlarge upon the several subjects adverted to. After the *Council* shall have met, should you deem it expedient under the circumstances which may be presented, you will deliver the talk herewith presented to the Cherokees in Council assembled; otherwise, you can withhold and return it to this department. In conclusion, permit me to urge the importance of your using every exertion to procure accurate and correct information in regard to the present state of feelings amongst the Indians and whites now residing in the new country, and of every important transaction which may take place at the Council, and report to me with all possible dispatch after the adjournment of the Council.

I look to the information which you may communicate with much confidence, as being useful in affording an index for our future operations in relation to our Indian affairs.

I am, dr. sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 13th, 1833.

Hon. Lewis Cass,
Secretary of War.

Sir:—I have the honor to acknowledge the receipt of your letter of the 2d inst., together with the copies of the letters therein referred to, by the hand of Col. Abbott.

The course which you have adopted, and the means which you have afforded to correct the false impressions which have been made upon the minds of the Cherokees and other deluded persons, meet my approbation, and are highly satisfactory.

I have made arrangements which will accomplish the desirable object of having the contents of these papers made known to the Cherokees who may assemble in Council. Moreover, with a view of correcting the misrepresentations which have been made through the press, and other channels, I shall take the liberty of having these communications laid before the public (and your official letter, together with copies of the letters of Mr. Herring to the agents of the United States and to the Cherokees). Under all the circumstances, I trust you will concur with me in regard to the propriety of the publication of these official letters. My agent, Gen'l Glascock, who will attend the Cherokee Council, will report to me the result, immediately after which you may expect to hear from me on the subject of our Cherokee affairs; and, if necessary, you shall have my views fully on the subject of emigration.

I have the honor to be, very respectfully,

Yours, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 30th, 1833.

To the President and Directors of the Central Bank.

Gentlemen:—I have this morning received a notice and extract from your minutes, through Mr. Malone, the Cashier of the Bank, apprising me of the resignation of Mr. H. V. Howard, as bookkeeper in the Bank, and further, that you would this day, at 3 o'clock p. m., proceed to the election of an individual to fill said vacancy. You have my approbation to carry into effect your resolution in regard to filling said vacancy, and should I decline the exercise of my right in participating in the selection of an individual to fill said vacancy, it will be done under the conviction that the public interest will be duly regarded by those whom I have appointed under the laws of the State to manage and govern the affairs of this pub-

lic institution, in which the whole community have the right to feel a deep interest.

I am, gentlemen, very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 31st, 1833.

Major Benj. F. Curry,

New Echota.

Sir:—Your favors of the 11th and 18th inst. have been duly received, and for which I thank you, as they will aid me in prosecuting my views to promote the public interest.

I fully concur with you as to the results which will grow out of all that has transpired at the late Cherokee Council.

Your views in regard to the policy which ought forthwith to be adopted, and your plan of execution in every important point, coincide with my own, and I have so informed the Secretary of War. I have, moreover, apprised the Secretary of the great importance which I attach to a judicious selection of agents to enter upon the enrolling business. They should be men of weight of character, capacity, and high standing—the situation of the country at this time requires such qualifications in the agents of the Government.

Present circumstances place what remains to be done in consummating the emigration of the Cherokees principally on the authorities of Georgia. I therefore am highly gratified at the harmonious understanding and action which exists between the agents of the Federal and State Governments. It is necessary that our efforts should be united to produce the best results. Indeed, the present Federal administration has performed its whole duty in endeavoring to remove the Indians from Georgia, and thereby fulfil its engagements to the State, entered into by the Compact of 1802. A judicious exercise of State authority must accomplish what remains to be done. The suggestions contained in your different communications will be highly useful to me, in fixing upon the details of such legislation as will become necessary for me to recommend to the next Legislature.

Every week affords me some new light calculated to point out the defects of our existing laws in relation to the Indians. And I shall carefully note the various dif-

faculties which may grow out of the defects of our present laws, and urge the appropriate remedy on the consideration of the Legislature. I regret to find under our present laws it is extremely difficult, in many cases, to guard the rights and interests of our newly settled population. But all that can be done by me has been and shall be done to get through the present year as much to the interest of our citizens as can be effected under the existing state of things. And our people may rest assured that the day is not far distant when the evils complained of will be fully and completely remedied. The case of the woman which you mention shall not be passed over with entire impunity. I will write to the Solicitor General on the subject, and direct that no pains be spared in the investigation of the case. And if any part of the conduct of Ross, or his co-workers, can be reached by our existing laws, they shall feel the force and penalty of the law. However inadequate our laws are, they must be executed as we find them. Their supremacy must be maintained. The defects must be remedied by constituted authority.

Very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 31st, 1833.

Hon. Lewis Cass,

Secretary of War.

Sir:—Before this reaches you you will have learned through other channels, the result of the late Cherokee Council. You will also have discovered the use which I have made of the means which you were so kind as to afford me, to dispel the delusions imbibed by the Cherokees through the false statements of bad men, and evil counsellors. From the report of Gen'l Glascock (who attended the Council as my agent), and letters which I have received from Maj. Curry, special agent of the United States, I entertain no doubt of the good effects which have and will result from what transpired at the late Council. It has afforded a favorable opportunity which has been well improved by both the agents of the Federal and State Governments, to enlighten the minds of the Cherokee people, by the force of truth and documentary evidence which will hereafter prevent the recurrence of practising upon them gross and deceptive falsehoods in regard to the real state of their present affairs.

Everything is now harmonious and well understood upon this subject between the agents of the Federal and State Governments; and the important duty which now presents itself is to use to the best advantage the means under our control in bringing to the most speedy and happy issue the great and benevolent object of removing the Indians beyond the limits of the States—the only hope of rescuing them from speedy extermination.

Circumstances now place much of the responsibility of what remains to be done in regard to the Indians who still remain in Georgia upon the authorities of the State. The present administration of the Federal Government has performed every duty in endeavoring to fulfil the Compact of 1802. What remains to be done depends very much upon a judicious management of State authority. Under this view of the subject I hope I shall not be considered as assuming too much in mingling my efforts with yours in accomplishing the same desired object. I concur with Major Curry and Gen'l Glascock in believing that the business of enrolling names, *in favor of a treaty*, should be commenced throughout the Cherokee country, with a condition that if no treaty is concluded during the ensuing fall or early in the winter, they shall be removed on the terms proposed by the President to the Cherokees, through Mr. Chester, guaranteeing to them, as well as all those who have preceded them, an equal share of any compensation, or annuity, which may hereafter be secured by those remaining, by any final arrangement which may be made by the Government; also, that they shall be paid their proportion of the three years' annuity now due them before their departure hence, and be entitled to their proportion of the moneys arising from the sale of the twelve miles square, under the Treaty of 1819, for the benefit of schools in the Eastern nation. I deem it unnecessary to enter upon further particulars at this time, having heretofore signified my general assent to the plan submitted to you by Maj. Curry, whose judgment in these matters I consider entitled to much weight and consideration.

I am clearly of the opinion that enrolling agents ought to be immediately appointed; and pardon me for saying that great caution in their selection should be observed, for much will depend on their weight of character and standing in the country.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 31st, 1833.

Gen'l Thos. Glascock,

Augusta, Ga.

Dear Sir:—On my return to this place (after a week's absence) I was gratified in the perusal of your interesting report of your late tour to, and attendance at, the Cherokee Council. I feel confident that your mission has been, and will be, extensively useful to the State. As far as I am able to judge from your communication, I am highly pleased with the mode and manner in which you have performed the several duties confided to your charge. I regret, however, I could not have had the pleasure of full and free consultation with you on all subjects relating to the present posture of our Indian affairs. It was very desirable that I should have seen you previous to my corresponding with the Secretary of War on the subject of the enrolling agency which it now becomes necessary to establish; for I concur with you fully in attaching great importance to a judicious selection of the agents who are to be employed in this business. I know that much depends upon the character and prudence, capacity and good standing, of the agents who may be engaged in the Cherokee country at this time; and I find myself placed (as I have often been heretofore) in the unpleasant situation of having incompetent men pressing themselves on me, while those who are competent are restrained, from self-respect, from even informing me whether their services can be obtained or not. Do speak freely to me on this subject. Who can be obtained? And who would be the best selection? How many agents are necessary? If you do not visit here shortly, please write to me fully and plainly. We must not shrink from any responsibility which the interest of the country requires, let it offend whom it may.

Since you left here I have received a second communication from Maj. Curry, from which I learn that nothing of importance transpired at the Council after you left there. I shall write to the Secretary of War to-day, but shall leave open the subject of the appointment of agents, &c., until I see or hear from you. Upon the whole, I see my way clearly in bringing to a happy issue our Indian and territorial perplexities, notwithstanding the many embarrassments which have been thrown in my way by those who ought to have lent a helping hand to promote the

interest of the State in the adjustment of these our long standing strifes. Under the present administration of the Federal Government, everything has been done that could be effected, to comply with the Compact of 1802. What remains to be done must now be executed by a judicious exercise of State authority, and which I trust will be completed by the end of my present Executive term.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, July 13th, 1833.

Major B. F. Curry,

Calhoun, Tenn.

Sir:—I have received a communication from the War Department requesting me to select two suitable persons to assist you in the performance of your duties in the enrolling of the Cherokees; and, further, to direct the persons thus selected to report themselves to you for instructions at as early a day as possible. I have been delayed in acting upon this business with that promptitude which I desired, on account of the disappointments which I have met with, in ascertaining whether the services of gentlemen whom I deemed most suitable could be obtained; and I regret to say that, to some extent, I am still in suspense.

However, I have come to the conclusion to submit to you the name of Col. Wm. Harden, of Cass County, as one of the persons selected by me, and shall report his name to the War Department as such. The selection of the other assistant will be made in a few days, and communicated to you without delay. I trust you will find Col. Harden a vigilant, competent, and efficient assistant, and ready to co-operate with you in all measures calculated to promote the objects of your appointment. I shall, sir, be disposed to communicate freely and fully with you, on all subjects connected with your agency so far, at least, as the interest of the State of Georgia may be concerned.

I am, with great respect, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Aug. 19th, 1833.

His Excellency, Gov. Gayle,
of Alabama.

Sir:—I have the honor to transmit to your Excellency the enclosed affidavit of James P. Guerry, and other proceedings had thereon before the Hon. Lott Warren, Judge of the Superior Court in the Southern District of Georgia, by which Wm. Alday, of the County of Wilkinson, in this State, stands charged with the offense of negro stealing. And it being represented to me that the said William Alday has fled from justice and is now within the limits of the State over which you preside, I have to request that your Excellency will cause the said fugitive to be delivered to Jno. T. McCrary, whom I have appointed agent on the part of this State, under the provisions of the act of Congress, passed 12 Feb'y, 1793, respecting fugitives, to receive and bring him to the County of Twiggs, in this State, where the said offense is alleged to have been committed. It being represented that the said fugitive has been arrested and confined in the jail at Montgomery, it will be a great convenience to the said agent to meet your order for the delivery of the accused in that place, and for this purpose I take the liberty to request that a warrant to that effect be transmitted to the jailer at Montgomery without delay.

I have the honor to be

Yr. obt. servt.,

W. LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 26th, 1833.

Col. Wm. C. Lyman.

Sir:—I have received several communications on the subject of routes for roads in the new counties, anticipating, as they do, some aid from the State hands, all of which I should like to lay before you, for consideration, &c.

Your overseer, Mr. Hill, informed me a few days ago that his negroes were becoming very sickly, and that he thought it necessary to remove them to a more healthy neighborhood. We are also urged upon every hand to remove said hands to the road from Macon to this place.

I shall be glad to see you, and consult with you on these and other matters connected with the public service in which you are engaged. In anticipation of what will be necessary to lay before the approaching session of the Legislature, I take this occasion to suggest to you that it is very desirable on my part, and cannot fail to be useful to the Legislature and the public interest, for the Executive to be able to lay before the Legislature the most ample, clear and distinct views of the progress and present condition of every branch of the public interest. I should therefore like to have from you a condensed statement which would exhibit at one view, first, the aggregate of your disbursements since you came into office; the aggregate of road made by the hands under your command; a full and fair description of each slave under your command at present, and their respective stations; the number of deaths; the number disposed of under Executive orders, and how the proceeds have been applied. Also the number, quantity, &c., of mules, oxen, vehicles, tools, implements, &c.

I consider this information the more important from the apprehension that the Legislature may deem it expedient to discontinue our present plan of operations, and may therefore provide for disposing of the stock on hand, including the negroes. All of which is respectfully suggested to you, with a view to the interest and information of the public.

Very respectfully,

WILSON LUMPKIN.

Executive Department, Georgia,
Milledgeville, Dec. 10th, 1833.

To E. P. Gaines, Isaac Rawlings, Jno. Pope, Robertson Tapp, and James Ross, Esquires.

Gentlemen:—Your communication of the 25th ult., with the papers therein referred to, have been duly received at this department, and, without delay communicated to the General Assembly of this State, now in session. The objects contemplated by the "Atlantic & Mississippi Railroad Company" are entitled to the respectful consideration of the public authorities of the several States, whose citizens are so deeply interested in the grand work contemplated. I can but regret that your

views and communications did not reach this department at an early period of the session of the General Assembly, fearing, as I do, that the near approach of the adjournment of that body will prevent that investigation which might otherwise have been reasonably expected.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

CHAPTER XI.

OFFICIAL LETTERS, 1834.

Executive Department, Ga.,

Milledgeville, Jan'y 6th, 1834.

Wm. G. Springer, Esq.

Sir:—Under the authority of an act of the General Assembly, passed on the 20th of Dec'r last, I have appointed you agent for the purpose of carrying into effect the provisions of the act referred to, which act is intended to provide more fully for the government and protection of the Cherokee Indians residing within the limits of this State.

Upon a careful examination of the law under which you receive your appointment, and which prescribes your various duties and responsibilities, you will readily perceive your duties will be arduous, complicated, and often have to be executed with difficulty. At the same time, the compensation allowed you by law, I feel free to say, I deem to be inadequate to the services and responsibilities imposed upon the agent.

Nevertheless, the services to which you are called are deeply interesting to the people of the State, and if you should succeed in accomplishing, to the satisfaction of the country, the important objects contemplated by the Legislature, your labors will no doubt be duly appreciated by the people, and their representatives, hereafter.

The best instruction which I am able to give you is to urge upon your consideration, in all questions which may arise, that you make the law under which you act your rule and guide. Let the law be executed according to its letter and spirit, and you will have discharged your duty. Whenever you find yourself at a loss upon any legal question which may arise, you are hereby instructed to consult and employ, when you may deem it necessary, the best legal counsel that you may be able to obtain, the expense of which I shall feel myself authorized to defray from the contingent fund. You will, whenever necessary, feel yourself more especially authorized to call upon any

one or more of the Solicitors General for legal advice, considering them, as I do, in duty bound to defend the rights and interest of the State, so far as legal questions may be involved. In all engagements with counsel you will, however, have a due regard to economy, and have it distinctly understood that their charges for legal services shall not exceed what is customary for similar services.

I herewith present you with a list of the names of Cherokees, and their descendants, who are enrolled under the Treaty of 1817, and who received the articles allowed to emigrants under said Treaty, and many of whom are supposed to be still remaining in Georgia. I also herewith furnish you with a list of all the lots embracing Indian improvements, in what is generally called the Cherokee Country, according to the several returns of the surveyors—which list has been furnished this department by the Surveyor General, and may therefore be relied on as correct.

Under the provisions of the law, it is highly important that the information upon which your official acts are predicated should be well authenticated. I would therefore recommend to you that, at as early a day as practicable, you repair to the Cherokee Agency, and hold a conference with Col. Montgomery, the Cherokee Agent. Lay before him the late act of the Legislature of Georgia, under which you act (a copy of which is herewith furnished you), and request him, in the name and authority of Georgia, to furnish you with all such information and copies of the records of his office as may aid and assist you in the execution of your official agency. The list of persons who have heretofore enrolled for emigration may be correctly obtained at the Cherokee Agency; also a complete list of the names of the persons who have taken reserves in *fee simple, or for life*, under former treaties. Indeed, you may obtain much useful information from Col. Montgomery, the Indian Agent, and I feel assured that you will find him disposed to afford you every necessary aid which may be within his official control. Moreover, I would advise you to confer freely and fully with Maj. Curry, the Enrolling Agent, and his assistants. These several gentlemen, from their official situations, are, of course, in the possession of much useful information, calculated to aid you in the discharge of the delicate and highly responsible duties of the agency to which you are called. Free intercourse with the most intelligent

county officers of the new counties may contribute much to an agreeable and useful discharge of your official duties.

A great press of important official duties at the present time forbids my entering more fully upon the subject of your official agency, and, indeed, from the nature of the business upon which you are about to enter, it would be wholly out of my power at this time to give you special instructions which might be calculated to meet the various cases which will necessarily occur. The best general advice which I can offer is that you should keep me constantly apprised of your progress, and especially in the cases of difficulty which may require my advice.

It will, however, be necessary for you constantly to bear in mind that a principal object of your agency is to obtain and communicate to this department, with all practicable dispatch, an accurate exhibition of all such lots and fractional lots as are contemplated to be granted to the drawers under the provisions of the late act of the Legislature.

Permit me also to suggest to you the expediency of keeping a record, in such form as you may deem most convenient, which will exhibit at all times a sketch of the testimony and evidence upon which your official decisions are made, especially in regard to the granting of lands under the late act of the Legislature.

I am, sir, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 18th, 1834.

Maj. B. F. Curry,

Spring Place, Ga.

Sir:—I this morning had the satisfaction to receive your favor of the 25th ult. And I am much gratified to find that the prospect of a speedy termination of our Indian perplexities is brightening. I am apprised of the facts stated in your letter in regard to Col. Harden's inattention to the enrolling business, and, while I fully concur with you in admitting his qualifications, I no less concur in believing that it is his duty to decline the service altogether, or devote himself entirely to it. The several gentlemen named by you as suitable persons to assist

you in the enrolling service are all of them entirely acceptable to me; and I hereby authorize you (as far as I have authority) to confer the appointment of assistant enrolling agent on any one, or more, of them as you may deem best calculated for the service. Moreover, you will please to communicate to the person or persons you may select, and give them instructions, at the same time, that they may thereby be enabled to enter upon the service without delay. Under all the circumstances, I deem the course which I have suggested best calculated to promote the public interest, and shall therefore decline writing to any of them on the subject. Having entire confidence in your interest and capacity to manage the enrolling business to the best advantage, I think it best to leave you untrammelled by any further interference on my part in regard to the selection of agents, and bringing them speedily into the service, except by merely repeating that I shall be content with any of the gentlemen named in your letter.

I will immediately address the Secretary of War on the subjects suggested in your letter, and other matters in relation to our Indian affairs, for I most fully concur in the views which you have submitted.

Very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 18th, 1834.

Hon. Lewis Cass,

Secretary of War.

Sir:—From a letter received at this department by the last mail, from Maj'r B. F. Curry, Enrolling Agent among the Cherokees, I am much pleased to learn that the spirit of emigration is constantly increasing amongst that long deluded remnant tribe. Maj. Curry suggests, and I think with great propriety, that, if the President will consent, that from one-fourth to one-half the valuation of abandoned improvements shall be paid before their embarkation, and allow intelligent and influential Cherokees *pay for services actually rendered* in assisting the Enrolling Agent, no doubts may be entertained but that a treaty will be effected in the course of the present year—even without the benefit of the influence of Ross. Prompt payments, in fact, for Indian improvements is ren-

dered necessary to enable them to pay their debts. I believe all the States, except Georgia, enforce the settlement of their contracts before they are permitted to depart, and in Georgia there is no such thing as getting them off until their debts are settled. You will please let me hear from you soon on this subject.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 29, 1834.

Mr. John Marlor.

Sir:—Yours of this date has been duly received, in which you state that, in order that the object of the Legislature* may be carried into effect, in regard to the emancipation of your negro man, Sam, you will sell him, and that the price you have fixed upon him is eighteen hundred dollars. You will, therefore, please to attend at this office as soon as it may suit your convenience, in order to consummate the object in view, by receiving payment, and executing a relinquishment of title to said man.

I feel it due to myself, however, to state to you that the price put upon said negro is considered high by most of the gentlemen whom I have consulted on the subject, and nothing but the consideration of the nature of the object contemplated by the Legislature, and the present state of the case, seems to justify my giving the sum required.

I am, respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 31st, 1834.

Wm. G. Springer, Esq.,

Agent, &c.

Sir:—Yours of the 26th inst. has just been received at this department. Since you left here for the purpose

*In resolving that "the services rendered by the negro man, Sam, in his exertions to extinguish the fire at the State House, in which he could have no interest, merit nothing short of his emancipation." See Gov. Lumpkin's Annual Message for 1834.

of entering on the duties of your agency, we have had daily applications for grants to lands supposed to have been authorized by the Legislature under which you are acting. The persons for grants, in every case, present the certificates of the late Indian agents of the several new counties, as the evidence upon which they expect an executive order for the grants to issue. These agents (as you are apprised) being legislated out of office, I can no longer recognize their reports, or certificates, as legal authority upon which to predicate an official act of so much importance. Indeed, it is clear to my mind that I have no legal authority to order grants to issue for any lot, or lots, of lands returned by the surveyors as having Indian improvements thereon, until I receive a report, or certificate, from you that said lots are liable to be granted, under the provisions of the late act of the General Assembly.

This construction which I put upon the law (and entertain no doubts of its correctness) will at once urge upon your consideration the great importance of your making the best possible arrangements for expediting your reports of lots liable to be granted, and which were returned by the surveyors as having Indian improvements thereon.

To effect this important object the arrangement which you suggest may be the most judicious, and of this you are the best judge; but I feel it my duty to state to you that, so far, most of the applications for grants under the late act of the Legislature have come from a different section of the country from that which you propose to attend to first. The applications, so far, have been chiefly from the gold region and eastern side of the country. It occurs to my mind, forcibly, that much service would be rendered to those interested if you could make weekly reports to this department of all such lots as you may have examined and decided on. It will require some time and experience to determine where your services will be needed most and first, and I therefore doubt the wisdom of your hastily tying yourself down to any particular arrangement which may hereafter deprive you of the exercise of a proper discretion which might enable you to benefit the greater portion of those interested most. I should suppose that any public notice which you may deem necessary would be sufficiently promulgated by inserting it in the *Cherokee Intelligencer*, which is published near the centre of the new counties. Upon the subject of an interpreter, I have to say that I have no legal authority for

appointing or paying such an agent, and therefore it may not be expected. It appears to me that it might relieve you of much labor and trouble if you could obtain from Maj'r Curry and his assistant enrolling agents accurate written information of lots liable to be granted under our existing laws, embracing the number and district of the lot, the name or names of the person or persons residing thereon, and the grounds on which said lot is liable to be granted. The evidence of these responsible and respectable agents is more entitled to your confidence and reliance than almost any testimony which you can obtain, except by your own personal observation and examination.

These persons are more to be relied on, as to names of occupant Indians and their descendants, than almost any person you can find in the country. Any evidence, derived from these agents and certified by you, will be duly respected at this department. I hope to hear from you frequently and fully upon all subjects connected with your agency.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 1st, 1834.

Hon. James M. Wayne.

Dear Sir:—I this morning received a letter from C. D. Terhune, Esq., of Cassville, Ga., who is a gentleman of intelligence, character, and fair standing, wherein he states "Judge Hooper has yesterday sanctioned a bill of injunction, sworn to by an Indian, to remove the owner of the lot on which the celebrated missionary, Butler, lives, and to stop him from pursuing his business of repairing and improving the farm on said lot." He then adds: "I fear this is going to present a new era in our Cherokee difficulties. I learn that there has recently been a meeting of John Ross and other principal Cherokees, at Mr. Adair's, and that Judge Underwood and Judge Hooper, and some other white men, were in that meeting. And I have heard from high authority that the nation have determined to give to counsel, &c., one hundred thousand dollars to carry on their case against Georgia."

Although I entertain no fears for the rights of the State and interest of her citizens in this case, I have,

nevertheless, deemed it necessary to apprise you, and, through you, such of your colleagues as you may think expedient, of what is going on in Georgia, and also that you might be better prepared to watch the movements at Washington in relation to our Cherokee affairs. These movements here no doubt originated at headquarters (Washington), and are under the guidance of the "*new coalition*," who are so loving and complimentary to each other in Congress. The enemies of the country—the agitators, the revolutionists—care not what subject, so that the great object of excitement among the people and embarrassment to the Government can be effected. I shall use all prudent means to procure such proof against Judge Hooper as will successfully sustain an impeachment against him before the next Legislature. Underwood, Hooper, Ross, &c., will be sustained by the nullifiers generally in Georgia, as I apprehend.

I perceive from the tone of several of their papers, when hinting at this subject, that they are prepared to break ground, against the State, and in favor of the Cherokees.

Well, let them do so. I will trust the people to take care of and sustain their own interest. The President and Secretary of War should be apprised of these movements, and if anything can be done to avert further controversy, it ought to be done. I request you to make the communication, and confer with them on the subject, and inform me, if you please, of the result.

Our Senators, Messrs. Forsyth and King, and Judge Schley and Gen'l Coffee, I am sure, feel as we do on this subject.

I am, sir, with great regard,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'ry 1st, 1834.

Wm. G. Springer, Esq.

Sir:—I this morning received a letter from C. D. Terhune, Esq., dated Cassville, Jan'y 16th, 1834, in which he states "Judge Hooper has yesterday sanctioned a bill of injunction, sworn to by an Indian, to remove the owner of the lot on which the celebrated missionary, Butler, lives, and to stop him from pursuing his business of repairing and

improving the farm on that lot." He then adds: "I fear this is going to present a new era in our Cherokee difficulties. I learn there has recently been a meeting of Jno. Ross, and other principal Cherokees, at Mr. Adair's, and that Judge Underwood and Judge Hooper, and some other white men, were in that meeting, and I have heard, from high authority, that the nation have determined to give to counsel, &c., one hundred thousand dollars to carry on their case against Georgia."

Now, sir, while I entertain no apprehensions for the rights of the State and the interest of her citizens from the machinations of such a combination of assuming *would-be* great men, I nevertheless feel it my official duty to use every proper exertion to obtain the highest and most authentic testimony which can be procured for the purpose of establishing the guilt of the nefarious intriguers, plotters, aiders and abettors of Jno. Ross and company. You will, therefore, please procure, through such agency as you may deem necessary, copies of all records and proceedings which may be had under the pretended sanction of legal authority. I presume there will be no difficulty in procuring a copy of the bill of injunction, as well as the testimony going to sustain it. Moreover, any and all testimony going to sustain the charge of Judge Hooper being in council with Underwood, Ross & Co., I deem to be important; also any testimony which will establish the fact of the enormous fee of one hundred thousand dollars being promised to counsel for the purpose of overturning the rights of Georgia. I trust you will have this business thoroughly investigated, and, for that purpose, you are authorized to say to any competent attorney who may be trusted I will pay any reasonable fee. Do let me hear from you on this subject soon.

I am, sir, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 5th, 1834.

Hon. Lewis Cass,

Secretary of War.

Sir:—It has been with some degree of surprise that I have, for several months past, been receiving communications from the citizens of Irwin, and other adjoining counties, in this State, complaining of the lawless depre-

dations of a large number of vagabond and strolling Indians, belonging to the remnant tribe of the Creeks who yet remain in the State of Alabama. The present possessions of these Indians do not approach within fifty miles of any part of the County of Irwin. The intervening country, however, from the Indian settlements to the County of Irwin, is but very thinly populated by the whites, being chiefly a poor pine barren country, interspersed with extensive swamps which are rarely penetrated by civilized men, and therefore affords a hiding place and refuge for wild beasts and more savage men. These Indians have, in considerable numbers, taken up their abode in this section of the State, and have done immense damage to the peaceable citizens who have settled in that part of the country, by killing their cattle and hogs, and stealing and consuming their corn, potatoes, &c. They are sufficiently strong in number to bid defiance to the thinly settled population. Attempts, under my instructions, have been made to apprehend and bring to justice this lawless band of robbers, but whenever a force sufficiently formidable presents itself the Indians immediately take refuge in the swamps, and evade apprehension and further pursuit. I would not trouble you with this subject, if I was not at a loss for means to correct this evil without resorting to a remedy which, from every consideration and feeling of my nature, I am anxious if possible to avoid.

I am convinced that I have no means under my control to put an end to these unsufferable depredations but by exterminating, in the best way I can, the miserable band of robbers. My object, therefore, in communicating to you directly on this subject is to suggest to you that it has occurred to me that some direct instructions, or orders, from you to the principal men amongst the Creeks, through such agent or agents as you may deem best (perhaps to the commandant of the United States troops now stationed on the western border of Georgia), might be the most effectual and peaceable method of suppressing and ending this unsufferable difficulty. It is certain that the evils complained of cannot be much longer borne. If you cannot control these Indians, through some agency, the authorities of Georgia will be under the painful necessity of exterminating the evil in the only practical way.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb. 10th, 1834.

Hon. Lewis Cass,
Secretary of War.

Sir:—I thank you for your favor of the 28th ult., and am content with the views of the President which you have been pleased to communicate.

I am, very respectfully,

Your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'ry 14th, 1834.

Wm. G. Springer, Esq.,
Agent, &c.

Dear Sir:—Your two favors of the 3d and 7th inst. came to hand this morning. I proceed to reply to your most important inquiry.

The 13th section of the law under which you are acting as agent confers no authority on you which is not specifically pointed out in the other sections of the act. It only declares it to be your official duty to see that the provisions embraced in the act be carried into effect—which must obviously, from the nature of things, be construed so as to be confined to the official deeds which you are required to discharge. You can, by no means, be bound to supervise the official acts of the Executive and judicial officers who are required to perform various duties under the provisions of said act.

The only cases, I believe, in which you are authorized and required to put the drawer, or owner, into the possession of his premises are pointed out in the 10th section of the act. By reference to the 9th section of the act, it appears clearly that it was the intention of the Legislature that, in most cases, the drawers, or owners, of lands should look to the courts, and not to the agent, for redress in cases where peaceable possession should be obstructed. Unless the courts do their duty, the laws of the land cannot be carried into effect by the other departments of the Government. I hope you will have received my communications to you, of the 31st inst. and 1st ult., to which I have received no reply. I am gratified to find, however,

by your present communications, that the most important subject to which I had adverted has already attracted your attention.

Very respectfully, yr. obt. servt.,
WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 27th, 1834.

Gen'l Coffee.

Dear Sir:—Your favor of the 19th inst. is now before me, and is highly useful, so far as it keeps me apprised of the state of things at Washington, in relation to our Cherokee affairs. My confidence remains undiminished in the President and Secretary of War doing their duty in using every proper exertion to close our long standing perplexities upon Indian affairs. But the embarrassments thrown in the way of the President and myself, upon this and every subject in which we are using our best efforts to promote the public interest, are unparalleled in the history of our country. At every step, and upon every subject, we have to encounter an opposition wholly destitute of any fixed principle, or object, *save one*: that is, to thwart, misrepresent, and defeat our plans of usefulness to the country, and thereby deprive us of the confidence and support of our constituents, by whose voice we have been so often and so highly honored.

I deeply sympathize with the President, but it is human nature to find some relief from being associated with good company, even in our greatest trials. Surely the opponents of our State administration, as well as those of the Federal, have lost every vestige of pure patriotism—disinterested love of country.

The conduct of Judge Hooper and his associates is unparalleled, and I entertain no doubt but he will back out from the lofty ground which he has taken the first moment after he has effected the object of his employers: to wit, get a new case, or cases, before the United States Courts. The agitators of the country cannot rest easy without some litigation between the Federal and State Governments.

The first ground taken in the bills which Hooper has sanctioned assumes that the complainants "are natives of the Cherokee Nation of Indians, east of the river Mississippi, *and reside in the said Nation, having all the priv-*

ileges and rights of citizens of the said Nation, and that from time immemorial the Cherokee Nation have composed an independent State."

This broad and preposterous position is the point upon which these cases must eventually turn, and, in my judgment, presents a most novel question for discussion, to come before a court of equity. It is a case of no less magnitude than that of deciding between conflicting sovereignties—each claiming to be an independent nation.

From whence a judge of *our own courts* assumes the power to sustain and bring up such questions is beyond my conception. I have carefully examined our Constitution and laws. They confer no such power on our judges. The powers assumed by the judge belong to diplomacy, and are wholly beyond the limit of all judicial authority derived from any source.

But we will suppose, for the sake of placing Judge Hooper in a proper light, that the sovereignty and independence of the Cherokee Nation be admitted and recognized. In what a predicament would Judge Hooper himself be placed? He must abandon the bench for want of jurisdiction. Therefore, any decree passed by him cannot be obligatory on any party; because, if the Cherokee assumptions be admitted, then a judge of the courts of Georgia can have no right of jurisdiction over the people and territory of this sovereign nation. If he shrinks from the ground which he has taken, and retires from the bench, to avoid a decision, it will be a direct abandonment of his official duty, and a palpable violation of the duties of his office.

If it be said that the sanction of these bills is a mere matter of form, I deny the position. The fundamental principles contained in these bills have received the sanction of Judge Hooper, and he cannot evade decision. He must hear argument, and decide upon it. Therefore, a question which involves the political rights of the State and must determine its sovereignty (according to Judge Hooper) as well as the political rights and sovereignty of an independent foreign nation, with which Georgia is now contending, is, by the course of Judge Hooper, to me made a legal or constitutional subject of discussion before a court of equity, his honor, Judge Hooper, presiding. But, sir, my indignant feelings will not permit me to pursue this subject further.

I turn from it in disgust, and have to regret my views were not sustained by the Legislature, in giving prompt

power to punish the pettifogging attempts of a base combination who are leagued together to overturn the rights of the State. Show this to such of your colleagues as you think fit, and continue to write frequently.

Yours truly,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 3d, 1834.

Maj. Gen'l E. P. Gaines.

Dear Sir:—Your letter of the 10th Jan. last, upon the deeply interesting subject of the practicability, expediency, immediate local advantages, and prospective public utility of a railroad, from the Tennessee section of the Mississippi river to the Atlantic Ocean, to pass through the intervening Southern States to the most convenient seaport on the Atlantic coast—together with a copy of the letter therein referred to—has been duly received.

Our lots have been cast at a time and in the midst of a people who have distinguished their generation for the most extraordinary and gigantic conceptions, upon almost every subject which relates to the great objects of facilitating commerce and communication between distant points. Moreover, theories have now been so far reduced to practice that the confidence of the community may be inspired to any reasonable extent in the support of any laudable work of improvement. The splendid project contemplated by you and your associates very far surpasses, in my estimation, every other work either executed or which has been submitted to the consideration of the American people.

After full examination, and much reflection, I fully coincide with you in regard to the vast importance of the contemplated improvement, both in a commercial and national point of view. The military aspect of the subject which you have presented I deem to be an object of primary importance to the people of our whole Union. Works like the one under consideration will consolidate the interest, and unite in the most fraternal manner the feelings of the whole people of the Union, and tend to make us in reality, what we are in theory, "*one people.*" Your plan and commencement are well advised, and, if persevered in, must succeed. However, as far as I have been able to ascertain, your views in regard to the precise

location of the road and my own views are somewhat different. Supposing the work to commence near the southwestern extremity of the State of Tennessee, and from thence in anything like a direct line to Athens, in Georgia, and from thence to Charleston, in South Carolina, you will necessarily have to encounter between the starting point and Athens all the difficulties and expense of passing a considerable portion of mountainous and broken country.

Again, should the road be completed on this route, but a very limited portion of the States of Alabama and Georgia would be benefited thereby; whereas, should the road commence and proceed as nearly in a direct line as may be practicable to Savannah, in Georgia, you would avoid the mountains and most of the hill country, shorten the distance greatly to the Atlantic by passing through the center of the States of Alabama and Georgia, and a great part of the route would run parallel with the waters of the Atlantic, instead of directly across them, and you would enlist the feelings and interest of the great body of the people of these States, and thereby secure the co-operation of their respective constituted authorities in the accomplishment of the enterprise. I take it for granted that the grand conception of a direct communication (by a railroad) between the Mississippi and the Atlantic originated in the purest motive of disinterested patriotism, without regard to sectional or State interest, having in view the greatest amount of benefit to the people of our beloved confederacy.

But the route by the way of Athens to Charleston, which I shall call the upper route, while it may be admitted to combine as many advantages to the whole Union, when completed, as any other which might be substituted, yet it can never become, or be considered, a work of first importance to the State of Georgia. True, it will run through a highly interesting and valuable portion of the State, but, in its whole line it will continue near the margin of the State, without producing any advantage to the centre, or extensive sea coast of Georgia. Indeed, may we not have some just apprehensions that, so far as Georgia may be concerned, the accomplishment of such a work would only tend to deprive the State of the aid and co-operation of the Northern section of her own hardy and enterprising population in any future attempt to afford commercial and other facilities of intercommunication to the great body of the people of the State, by work of in-

ternal improvement? Lay the map of the State of Georgia before you, and you will at once see the force of my remarks. I would readily advise and urge upon the people and public functionaries of Georgia the vast importance and propriety of directing the whole energies and resources of the State to the single object of furthering the project which you have in view, provided it could be directed through a central part of the State; but, if the upper route be determined upon, the policy of Georgia will be to begin on her own sea coast, and proceed through the most productive and central part of the State, until we can intersect your road at some point in the western part of the State. From Savannah, or some other seaport of Georgia, we must proceed to Macon, or this place, and thence make our way, in the best and most practicable route, to intersect your contemplated highway. This would be a State work and well worth the application of State capital. If, however, the citizens of the northern section of the State choose to direct their individual enterprise to a great and meritorious object, and one which will afford to themselves great and advantageous commercial facilities without regard to the interest and convenience of the balance of the people of the State, then be it so; they should be left free to exercise their enterprise and capital as to them may seem best. Whatever may be the location of the contemplated road, I sincerely wish it great success. It cannot fail to benefit our common country; and the upper route will, perhaps, combine the greatest general advantages, by drawing to its line a greater portion of the product of the rich mountain valleys of the interior. But, if it should take that direction, the true policy of Georgia will be to pursue the course which I have hereinbefore suggested. It is the only one which can supply the wants of her own citizens, and do justice to the character of the State, so far as relates to the part which nature and circumstances seem to indicate is allotted to our care and superintendence. I very sincerely congratulate the country, and return you my cordial thanks, as one of your fellow citizens, for the prominent part which you have taken in the valuable and laudable enterprise which is the present subject of consideration, and trust that such encouragement may be extended in aid of your enterprise as may, before a distant day, consummate your entire plan.

I am, dear, sir,

Your friend and humble servt.,
WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 4, 1834.

Hon. John Forsyth.

Dear Sir:—Being apprised that the subject of the boundary line between the State of Georgia and Florida is now a subject of consideration (in some stage) before the present Congress, I have with much care examined the files of this department, and reviewed the voluminous documents connected with that subject.

I have not been able, however, to find anything of which you are not possessed at Washington which I consider important to throw additional light on the subject at issue. The best argument in support of the views of Georgia which I have examined is found in your letter of the 29th of Dec'r, 1827, to the President of the United States, which you will find republished in the documents of the House of Representatives of the present session (No. 77). But we are embarrassed by the disagreement of the various reports of our own agents. Every new commission which has been authorized by the State to examine, survey, and report upon the subject invalidates the reports and proceedings of all those who have preceded them. The report and survey of Mr. McBride, in which we once confided, has since been set aside by the report of Messrs. Crawford and Couper, and the survey made under their direction by Mr. Thomas. No two of our own witnesses seem to agree. The greatest importance which I attach to the boundary line between Georgia and Florida does not arise so much from any consideration of the value of the sterile soil in dispute; but our State Constitution having defined the boundaries of the State, no indemnity can authorize our relinquishing our claim to a single acre within our legal boundaries. The line between Georgia and Alabama is also still a fair subject of interest to the general Government, as well as the two States. At the instance of Alabama, this subject was brought to the consideration of our Legislature at its last session, with an Executive recommendation favorable to some effort towards a final adjustment. But the response of the Legislature indicated no disposition to any further action on the subject. My object in calling your attention to these subjects is to authorize my suggesting to you the opinion which I entertain, that to secure the peace and harmony of the people of Georgia requires a speedy and final adjustment of both these boundary lines. And, moreover,

I entertain no doubt but that the subject can be more easily adjusted with the Federal Government, who is now the owner of the soil in dispute, than can hereafter be done with the State and Territorial Governments. If you can devise any plan to further the object of final and amicable adjustment, you would thereby render an important service to the State.

Very respectfully, your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 5th, '34.

Dr. N. B. Powell,

Superintendent, &c.,

Liberty, Talbot Co., Ga.

Dear Sir:— Yours of the 3d inst. has just been received. The difficulty of executing the act of the last Legislature, authorizing the sale of the negroes belonging to the State, is to me no new discovery. The incongruity, and, often, the ambiguity, of our legislation, is such as to render it almost impracticable to execute our laws at all. Yet it is the obvious duty of executive officers to make the laws their guide, and, as far as practicable, to execute the statutes of the State according to their letter and spirit. I hear of negroes in every direction out of place, and fear many of them will be absent on the day of sales. But they must be sold where the law directs, or, under the proviso of the law in case of their absence, I can order no change until after the day of sale passes. In the course of the last ten days I have found at this place several of the public hands who belong to Col. Lyman's division, and to companies one hundred miles from here. Nine of the Brunswick gang have absconded, or have been inveigled away. It is a troublesome duty we have to perform, and requires great vigilance to prevent the State sustaining immense loss. It was a great oversight in the Legislature which you point out, and I have no doubt but such difficulties as the one pointed out by you will occur. But in the event of the negroes absconding between the time of sale and the time of delivery to the purchaser, you can only return the purchaser the amount of money paid, and the negro must be resold. It appears to me that the previous arrangements made with the bank which you

suggest might be practicable; but this must be left to the parties concerned, and not to the Executive.

It is a subject over which I can exercise no control. Although thirty days are allowed for purchasers filing the notes required by the act, and procuring the certificate of the cashier, yet, in most cases, it may be done in a few days, and, when it can be done promptly, the negro might remain a few days in actual confinement, until delivered to the purchaser. It is very much to be regretted that the whole of the negroes could not have been sold at this place, as I urged upon many of the members of the Legislature. That would have prevented most of the perplexities we have to encounter, and caused the negroes to have sold for a much larger aggregate amount.

Very respectfully, yr. obt. servt.,

WILSON LUMKPIN.

Executive Department, Ga.,

Milledgeville, March 6th, 1834.

Mr. Elias Boudinot,

New Echota, Ga.

Dear Sir:—Yours of the 22d ult. is now before me, from a hasty perusal of which I incline to concur with the views which you have presented. And, should the facts stated by you be sustained by testimony, I should suppose Mr. Springer, the Agent under the late act of the Legislature, would not feel himself authorized to report said lot to the Executive as being liable to be granted. The grant shall not issue without a full and fair examination of the case. And you may rest assured of a disposition on my part to do you, and others in your situation, ample justice. I will write to Mr. Springer on the subject presented in your letter, which will no doubt induce him to reconsider any hasty action on the subject, so far as to afford you an opportunity of presenting the case on its true basis.

I am, sir, very sincerely

Your friend and obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 11th, 1834.

Col. Lyman.

Dear Sir:—Yours of the 7th inst. was received this morning. I should have written to you before now, but, from your former letters, I calculated that I should not fail in seeing you at this place previous to the commencement of the sales of the public hands. Many considerations made it very desirable that I should have seen you, or communicated with you, more fully on subjects connected with your official agency. Your bond, sent by mail, was duly received, and is entirely satisfactory. The incongruity and ambiguity of the late act of the Legislature, authorizing the sale of the public hands, did not escape my attention at the time of giving to it my assent. It was by no means framed to suit my views, and the difficulties suggested in your letter, now open before me, would have been wholly avoided, if all the negroes could have been sold at this place, as I desired; but it now becomes our duty to *execute the law as we find it*. You will, therefore, be under the necessity of retaining the possession of the negroes in every case, until the terms of sale are fully complied with. After having sold and received the one-fifth in hand, you must use a sound discretion as to the best mode to ensure the safe keeping of the negroes, until the further requisitions of the act are complied with. I foresee the danger of the negroes absconding, when they do not fall into the hands of purchasers whom they prefer, but I am unable to see how you are to avoid these difficulties, except it be in the way that you have suggested. Should any purchaser desire to make the entire payment in cash, on the day of sale, I can see no objection to your receiving the money, and giving a deduction of the interest and paying the money over to the Central Bank, in lieu of the notes authorized to be deposited under the law. I fear many of the negroes will be out of place on the days of sale, and that many of the purchasers may fail to comply with the terms of the law—all of which will increase our labors—but we must do the best we can, and, as far as possible, carry into effect the act of the Legislature. If any negro should abscond between the day of sale and the time of the purchaser producing to you the certificate of the cashier of the Central Bank in terms of the law, if the purchaser requires it, I would advise the refunding to him the one-fifth paid.

upon his relinquishing claim to the negro, and we could then proceed to sell, under the provision of the act to meet such cases. I am pleased to hear of your arrangement in regard to the road from Monroe to Lawrenceville, and I have only to regret that the balance of the public hands are not equally well employed.

Very respectfully yrs., &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 25, 1834.

Wm. G. Springer, Esq.,
Agent, &c.

Sir:—It is expected this will be handed to you by John A. Cuthbert, Esq., whom I have employed as counsel to sustain your legal acts as Agent, &c., in the injunction cases returned to Cass Superior Court, &c. While Mr. Cuthbert is instructed to sustain you, to the full extent of our legal authority, he is, at the same time, advised to counsel you to retreat from any error into which, from the intricate nature and novelty of your agency, you may by possibility have fallen. By this last remark you will not consider me as passing judgment against any act of yours, but as anticipating what may have possibly occurred.

I deeply regret the perplexing litigation into which many of our good citizens will be forced, by the subtlety of selfish and unprincipled lawyers, and the *imbecility* of a novice *judge*. But you and myself, as executive officers of the Government, must be content with a faithful and vigorous discharge of our official duties. We have no legal and constitutional power to relieve our fellowmen from the assumptions of these assuming gentry. The sovereign people, through their constituted organ, the General Assembly, must correct the evil. I regret to learn, from the last letters received from you, that many of the communications which I had made to you had not been received.

Respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 14th, 1834.

John A. Cuthbert, Esq.,

Dear Sir:—Having consulted you on the bill of injunction said to have been sanctioned by Judge Hooper, which proceedings are supposed to be intended to stay, interrupt, or embarrass the official functions of Wm. G. Springer, Esq., in the exercise of the agency confided to him, under the authority of a special act of the Legislature, and considering it my imperative and constitutional duty to sustain the Agent aforesaid, to the full extent of the powers vested in him by the provisions of the act of the Legislature referred to; and having obtained your consent to attend at the time and place designated in said bills, as counsel on the part and in behalf of the Agent aforesaid, for the purpose of defending his legal and constitutional acts done and performed under the provisions of said act; I have, on reflection, deemed it my duty to put you in possession of such facts and circumstances as may tend to prevent any misapprehension in regard to the subject under consideration, and make some additional suggestions which have occurred to me in connection with the subject.

The Agent (Mr. Springer), when about to enter upon the duties of his appointment, received from me written instructions, of a general and specific character, directing him, in the most emphatic terms, to make the law under which he received his appointment his *rule and guide*, and, in every case, to be careful not to transcend its limitations. When at a loss he was instructed to procure legal advice. Since he entered upon the duties of his office, I have given him additional advice, whenever any new idea occurred to me, or when he has sought my opinions upon any case which has arisen under the law. Mr. Springer is, therefore, fully in possession of my views, in regard to his official course, as well as my construction of the act, on all important points relating to his duty as Agent. You will, therefore, feel yourself at liberty to request Mr. Springer to give you the perusal of my instructions and advice given to him at different times, which will place you in possession of my general views, and enable you to judge whether the Agent has transcended my instructions or not. I have been thus particular in order to guard you against misapprehension in re-

gard to my object of engaging your legal services in this business. So far as the law has imposed duties upon the Executive, or the Agent appointed by him, and the duties of the Agent have been performed in conformity with the law and the instructions which he has received from the Executive, I consider your services engaged in behalf of the State, and its public functionaries. But should the Agent have departed from his duty in any case, he should retreat from his error and not be sustained, except in the faithful discharge of his lawful duty. A distinction, too, must be drawn between the official acts of the Agent and the acts of individuals. I deeply regret that our citizens should be harassed by the subtlety of selfish lawyers and the assuming imbecility of a novice judge; but these are evils beyond the interposition of Executive authority. Officially, my only concern is to see that the Agent is not impeded in the discharge of his lawful duty. Judging from the bill of injunction which we have examined, it appears to be the object of the proceeding to prevent the Agent from doing a certain act which I apprehend he has never intended or threatened that he would do, because the law requires no such act from him. Why the Agent should be brought before the court, in connection with litigant citizens, I cannot comprehend. The Agent must do his duty and answer for his own conduct. Every citizen must manage and prosecute his own rights as secured to him by law, without making the State a party in every trivial case to be brought before an unqualified judge who by accident happens to be clothed with a little brief authority. The political rights of Georgia are not to be tried by any court under Heaven. Much less can such rights be permitted to come before Judge Hooper. While the Agent will be promptly and fully sustained in the vigorous discharge of his duty, he must yield to the courts everything which the laws and Constitution have confided to that department of the Government. If the citizens cannot obtain justice before the present court, the constitutional remedy must be looked to for redress. I think proper to add that, humble as my pretensions are to legal acquirements, I protest against the jurisdiction of the court, in sanctioning or sustaining such bills of injunction as those which have been submitted to my examination. If, however, the allegations contained in the bill be admitted, and the court required to make up its decree and order accordingly, what would be the predicament of the judge? Would he not be under the necessity of

making a decree on a question involving the vital political rights of two distinct communities, both claiming the rights of sovereign State Government?

The judge, by the sanction and countenance already given to these proceedings, has, in my estimation, greatly transcended his official bounds, and has attempted to give support to the efforts of the enemies of the State and its Government, by undermining the very foundation upon which all our claims to State sovereignty are based.

I am, dr. sir, very respectfully,

Yr. obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 28th, 1834.

C. D. Terhune, Esq.

Dear Sir:—I thank you for the information contained in your letter of the 20th inst., giving me the details of the progress and prospects of the enrolling business in which you are engaged.

Notwithstanding all the efforts which have been made and which are still persevered in, to keep the Cherokees back from emigration, from the nature of things as they now exist, this benevolent policy of the Government must and will prevail, because it is the interest of the Indians that it should. The enemies of the Government seem determined to struggle in their opposition to the last. They have said: "They will not let the people go." But events of Providence point to a different decree. The tide of Indian emigration sets West, and, if a treaty with the Cherokees cannot be effected, emigration will gradually take them away, until not a hoof will be left behind.

The suggestions which you make are not new to me, and will receive due attention. If we fail in a treaty, the best measures will be resorted to for the purpose of effecting the desired object. I am wholly unprepared to say what will be the future course of Judge Hooper; but, judging from the past, I anticipate nothing good from him.

But Hooper and his co-workers are not able to accomplish as much evil as many seem to anticipate. The evils and confusion of the present moment, produced by his course of conduct, can only last until the meeting of the next Legislature, by which time I hope the represen-

tatives of the people will concur with me in believing that the security of the State and its citizens can only be maintained by restraining the assumptions of lawyers and judges who seem disposed to trample on the rights of the people secured to them by their own laws. Indignant as I feel at the conduct of the Judge, and determined as I am not to permit him to extend his usurpations to any of my constitutional and legal rights, I nevertheless feel bound not to transcend my own limits, but to execute the laws *as I find them*, and not, by construction, to *assume* what I desired that the law should be. I regret to find the people have been induced to believe that I am clothed with power which is not to be found in the law. Investigation, however, will rectify misapprehension on this subject, when they will not expect their Executive (even for the righteous purpose of giving them speedy and summary justice) to usurp legislative and judiciary power.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 28th, 1834.

Wm. G. Springer, Esq.

Sir:—Your letter of the 20th inst. was received this morning, and its contents carefully examined. A letter of the same date was also received from Z. B. Hargrove, Esqr. These two letters, taken in connection, would seem to render it doubtful whether I should address you on the subject of your agency, or enter upon a defense of my own conduct, with a view of relieving myself from the many imputations which it seems that my unprincipled enemies have had the address to impress upon the minds of my sensitive and suspicious friends. In a case like the one under consideration, I should feel myself degraded in making strong protestations of frankness and candor and sincerity to you, or Col. Hargrove either, if I had not the slightest regard or respect for either of you. You stand related to me before the public in a point of view that neither of you can be lessened in the public estimation, without injury to myself. Therefore, the first law of nature, *self-love*, would forbid my detracting from your merits while you stand in the relation which you now do towards me. I have condemned none of your acts, to

any person whatever; but, from letters heretofore received from both you and Col. Hargrove, I have entertained some apprehension that you might be induced to transcend your official duties, and these apprehensions are by no means removed by your present communications. My views and construction of the law under which you are now engaged as Agent, &c., have been freely given to you and Col. Hargrove, as well as to others who have sought to know my opinions. I have uniformly declared in my writings and conversations (including my instructions to you), my determination that the late act of the Legislature, so far as depended upon the Executive, should be faithfully and fully carried into effect, and that any interference by Judge Hooper, or any other person, or persons, whatever, intended to interrupt or hinder you from the performance of your official duties, would be disregarded by me, and that I would sustain you in all the legal acts which might devolve on you. It is my imperative and sworn duty to execute the laws as *I find them*, and not what we might desire *should be the law*. Consequently, I cannot consent to be guided by what members of the Legislature may say they intended to enact, when there is an obvious failure to carry such intention into effect by the words of the law itself. My written notes, furnished to the Committee who reported the bill under consideration, will prove that it was my wish that the Executive should have been clothed with power to put the rightful owners of all lots authorized to be granted by the late act into the immediate possession of their lands. And I believe the bill was so reported to the House, but, during its progress, was changed and altered to its present shape. I have no doubt but that a large majority of the people of Georgia agree with my own views on this subject, and the people have been taught to believe, without examining the law, that the Governor and his Agent had the power under the law to afford them summary and speedy relief. But this is not the law; that instruments will always speak for itself; and those who are endeavoring to make the people believe that I have powers to relieve them, and have shrunk from my duty, shall be exposed, let it cost me what trouble and expense it may. It has been wickedly done to injure me, and shall not escape public notice. Knowing my desire to have this authority, and having been denied it by the intrigues and management of my opponents, the policy now is to make my friends believe that I have the power, but am

too timid to exercise it! Those who take the lead in misleading the public on this subject would be the first to raise the cry of *assumption*, if in any case you transcend the laws.

You have not acknowledged my letter giving you my construction of the act, and I am therefore left to conjecture whether this and other letters which I have written have been received or not. For my views of the laws, I refer you to Mr. Cuthbert, who visits Cass Court for the express purpose of aiding you with his legal advice, &c. Neither friends nor foes can provoke me to depart knowingly from my duty in assuming power which the Legislature have refused to give me, and that, too, after I had sought it at their hands. The false impressions which have evidently been made on the minds of yourself and Hargrove, by mischievous persons, have grown out of the fact of your names being united in the bill of injunction sued out by Adair. This has led to conversations with various persons, in which your names have necessarily been united. And my being apprised of the construction placed on the law by Col. Hargrove, in regard to the powers of the Agent, necessarily induced me to apprehend that, as far as his influence might extend, it would be exercised to carry into effect his own views of the meaning of the law. But am I, therefore, to be considered unkind to you, or Col. Hargrove, either? I trust not. I know I ought not. I have a high and sacred duty to perform, for which I am accountable to the whole people of Georgia. And am I to be controlled in the performance of this duty, contrary to the convictions of my own judgment and conscience, by the opinions of any individual (however much I respect him), or be considered as giving grievous offense for an honest difference of opinion? What are the arguments, or reasons, advanced by you and Col. Hargrove in your letter now open before me to sustain your opinions? Neither of you refer to, or quote, a sentence of the law or attempt the slightest comment on it, which goes to sustain the opinions which you have avowed! You both say that members of the Legislature state that they intended the law should be *thus and so*, and that public opinion demands it. You also refer me to the opinions expressed by Grand Juries, &c. In reply to all this I assure you that no man in Georgia can or ought to respect public opinion more than I do. The basis of my whole political creed is, and always has been, that our Government is founded on *public opin-*

tion—that the will of the people ought to and will prevail. Moreover, that the majority will finally do right. Therefore, I have no fear but what the people will correct the evils of the present moment, and bring order out of confusion, and put down the assumptions of Hooper, Underwood & Co. But the people will effect this in a legal and constitutional mode. They do not expect, or require, their Chief Magistrate to transcend the limits of his lawful and constitutional duty. They do not expect their Executive, in a summary way, to usurp legislative, judicial and unlimited power, not even for the righteous object of administering speedy justice to them. Although I may be censured for a time under an erroneous impression that I have failed to do my duty, and that I have yielded a portion of my official prerogative to the usurpations of the judiciary, yet I entertain not the shadow of a doubt but that my constituents, when the whole truth is laid before them, will do me justice. And from the present appearances I may find it necessary at an early day to lay before the public such information as, under ordinary circumstances, would refer itself to the next session of the Legislature. I find my enemies have the address to subject me to the *cross-fire* of friends and foes. However, I rely upon truth and the intelligence of the people, and entertain no fears of the result.

Respectfully, your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga..

Milledgeville, April 17th, 1834.

Dr. N. B. Powell,

Superintendent, &c.

Sir:—Having expected to see you here before this, your favor of the 15th inst., received this day, relieved me from suspense. I have been pleased to hear of the advantageous sale which you have made of the public hands, and am glad to learn that you had so few absent. When and where do you sell the two which you have obtained who were then absent? Would you not do well to advertise the one that still remains out? Col. Lyman has recently left here, after having arranged his business and made a settlement with the Bank as far as practicable. Eight of the negroes under his superintendence were ab-

sent at the time of his sales, three of which we have since heard of in jail. He has advertised the others.

Respectfully, your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 14th, 1834.

To the Inspectors of the Penitentiary.

Gentlemen:—I have received your note of yesterday, informing me that a difference of opinion has arisen in the Board of Inspectors, with regard to the true construction of the 30th, 31st and 32nd rules for the government of the Penitentiary, and in relation to the power therein vested in the Principal Keeper, and you further request my opinion on the subject.

These rules confide extensive and indispensable powers to the Principal Keeper, without which no such institution could be properly governed, or managed. But the various duties which devolve on the Inspectors evince the propriety of the Principal Keeper paying due respect and regard to the views and opinions of Inspectors, in all important matters relating to the management and government of the institution. In the first two rules referred to, the duties and responsibilities of the Principal Keeper are clear and explicit. In the 32d rule, when taken alone, there may appear to be some vagueness or ambiguity, in that part of the rule which relates to the Assistant Keepers obtaining *leave of absence*. The reading clearly indicates the right of the Inspectors to grant leave of absence to the Assistant Keepers, but, from the general powers confided to the Principal Keeper, by the rules referred to, I should not consider the Principal Keeper as transcending his authority in granting such leave as circumstances may clearly justify, in the absence of the Board of Inspectors. I would, however, advise that all officers, in the exercise of any doubtful or delicate trust, should be careful, at all times, to make respectful explanations to those with whom they are associated in the joint object of executing an important law of the country.

I consider the Inspectors not only authorized, but required, to scrutinize *even the legal exercise* of all powers confided to every officer of the Penitentiary, and not only interpose to prevent everything in the nature of usurpation, but to use their influence in promoting a wise and

prudent administration of the laws of the institution, regarding the spirit as well as the letter of the law.

Very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 30, 1834.

Hon. John Forsyth.

Dear Sir:—I have just read the report of the debate and proceedings in the Senate of the United States (as published in the papers), which occurred on the presentation of the memorial of John Ross and other Cherokees, claiming to be the representatives of the Cherokee Nation. The part taken by you on the occasion will receive the approbation of the people of the State which you represent, and their constituted authorities. If anything could surprise me which comes from the opponents of the present Federal administration, the revival of excitement on the Indian subject could not fail to do so.

From letters which I have received from part of our delegation in Congress, and from an intimate knowledge of the present state of things amongst the Cherokees, I had indulged a hope that, before the close of the present session of Congress, a final and satisfactory arrangement might be effected with the Cherokees for their entire removal to the West. But, after seeing the course of Ross and his political *allies*, at Washington, as well as in Georgia, I am forced to the conclusion that we should place no reliance upon such a desperate faction.

Before this reaches you, you will be able to perceive, from various articles in the Georgia papers, that there has been a perfect concert of action between the Ross party here and at Washington, in getting up a new Indian excitement. The conduct of the Indians and their *allies* in the Cherokee part of Georgia has recently produced a most extraordinary excitement among our white population, in that part of the State. In some places the people have become so much alarmed at the insolence and outrage of the Indians as to send expresses to me, stating their belief that the lives of the whites were in danger, and requesting the aid of a military guard to ensure their tranquillity and safety. I have received, however, no evidence which, in my opinion, would justify their apprehensions, or authorize military operations. Nothing but ab-

solute necessity will induce me to supersede the civil authority by the interposition of the military. When the population will admit of it in the new counties, I am endeavoring to effect the organization of volunteer companies, to be placed under the command of prudent and intelligent men, who will be furnished with arms from our public arsenals to meet any emergency which may possibly occur.

I have instructed the most intelligent of our citizens, consisting of civil and military officers, to rely upon the civil authority, and render every aid in the due execution of the laws of the State. But you may be assured that the excitement is such in some neighborhoods that I find at this moment a current of opposition to any calm and peaceful measures which requires firmness and decision to withstand. Although I cannot apprehend any extensive mischief being done to our new settlers, nevertheless I must admit to you that I am not without fears that enough may occur to produce great and extensive excitement.

If the reckless enemies of Georgia and the administration are determined upon evil and confusion in the Cherokee part of Georgia, be it so. We cannot prevent it. We must meet the crisis when it comes; and I am resolved to be in readiness to act with promptitude and decision. Before the close of the year it may become necessary to remove every Cherokee from the limits of Georgia, peaceably if we can, forcibly if we must.

The State shall no longer be trifled with and harassed by the enemies of good order and all civil government! The friends of anarchy and revolution will be disappointed in their plans of evil. No friend of humanity can, under the existing state of things, any longer encourage the unfortunate Cherokees to persevere in a controversy which has already brought them to the verge of ruin. You will consider this an official letter, and the use of it is left to your own discretion. To save me the trouble of writing, you are at liberty to communicate it to such of your colleagues as you may think proper. You can also confer on these subjects with the President of the United States and Secretary of War. Please to keep me advised of passing events at Washington on this subject.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 27th, 1834.

Maj. Gen'l E. P. Gaines,

Memphis, Tenn.

Dear Sir:—Your favor of the 5th inst. was received yesterday, accompanied by your printed answer (dated the 5th of April last) to my letter of the 3d March last. I have now, for the first time, hastily read your interesting answer to my letter—very properly intended for the public eye, because the public, like myself, will, on many points, be enlightened by its contents. I have only time at present to say that I feel assured our great end and object is the same—to benefit our fellowmen by every means which may be at our disposal.

Permit me to add my entire confidence in your qualifications and ability to render important aid in carrying into effect the noble and extensive plans of internal improvement which you have been efficiently instrumental in bringing before the public. Any further views which I may have to submit on the subject under consideration so far as Georgia may be immediately interested, it may be expedient to reserve for the approaching session of the Legislature. I am gratified to learn Lt. Col. Long will pass through this place, and shall be prepared to give him a kind reception, and, at the same time, avail myself of his enlightened views on the deeply interesting subject now under discussion.

I have the honor to be, with high regard and consideration,

Yr. obt. servt ,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 25th, 1834.

Col. M. St. Clair Clarke,

Washington, D. C.

Sir:—Your favor of the 15th inst. (forwarded by Mr. Forsyth) has been duly received, wherein you express the opinion that the State of Georgia has a good claim against the United States for about one hundred thousand dollars, growing out of services rendered and moneys paid by the State during the Revolutionary War. You

further state the terms upon which you would undertake to investigate and prosecute the claim, and add that, if you are employed, it will be proper to lay the whole subject before me, in order that I may be satisfied that the claim is meritorious, and one which does not compromise the honor and patriotism of the State in making it.

My confidence in your intelligence and integrity of character at once forces me to the conclusion that the claim should be promptly investigated and prosecuted; and the terms upon which you propose to be employed as the agent of the State meet my approbation. The subject, however, must be brought before the Legislature, at their approaching session in November, when I shall probably be made the legal organ of negotiating with you on the subject. In the meantime, you will perceive the necessity of my being immediately put in possession of such facts as may justify me in calling the attention of the Legislature to the subject. You mention having named this subject to several members of the Georgia delegation, with a request that they would make known to me your willingness to enter upon the agency contemplated. Your letter contains the first and only intimation I have ever received upon the subject of the claim alluded to from any one whatever. I shall expect to hear from you again on this subject.

Yr. most obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 25th, 1834.

Maj. B. F. Curry,

Calhoun, Cherokee Agency, Tennessee.

Sir:—My anxiety to hear from you, on the subject of Indian affairs and prospects, was this day relieved by the reception of your favor of the 13th inst., enclosing a copy of the instructions of the President of the United States to you and Col. Montgomery; also a copy of a letter from you and Col. Montgomery to Governor Carroll. The instructions of the President of the United States are such as might be expected from a source so enlightened and patriotic. But it is evident that the States, having assumed the exercise of their rights to govern and control the Indians within their respective limits, ought now principally to look to, and rely upon, their own laws,

and an efficient enforcement of the same to keep the Indians under proper control and subjection to the policy and laws of the States. As regards Georgia, you are doubtless apprised of the embarrassment and perplexities which the Executive and people have encountered, for the want of a faithful co-operation of the judiciary department.

A combination of lawyers are kept in the service (and I presume pay) of Ross & Co. to thwart and overturn the whole policy of the State, and the views of the Judge of the Cherokee Circuit appear to coincide with this combination to a sufficient extent to encourage the delusive hopes of the Cherokees, and embolden them in their insolence and most extraordinary assumptions and outrages. I have confidence that a majority of the members of the approaching Legislature will be composed of the friends of the State and our common country; and that we may therefore expect such legislation as will correct many existing evils, especially such as you point out in your letter.

Under the existing state of things, and the present temper manifested by the Indians, I indulge but little hope in regard to enrollment for emigration. The Indians have certainly gained confidence by the aid, countenance and friendship which they have received from the enemies of the President and myself, in Georgia and elsewhere.

The instructions of the President to you and Col. Montgomery, to procure testimony in certain cases therein pointed out, I deem to be of great importance. I have more than once given similar instructions to agents and officers of Georgia; but regret the necessity of saying that I have never been able to collect such testimony as would convict the conspirators of the villany with which rumor had charged them. These charges generally reach me in a vague and heresay form. I don't expect to effect much for the better, until after the meeting of the Legislature; but, should any recommendations to the Legislature be sustained, I trust a quietus will be given to many existing evils. Please let me hear from you frequently, and believe me to be, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Augt. 28th, 1834.

Col. Wm. N. Bishop,
Murray Co., Ga.

Dear Sir:—Your interesting favor of the 22d inst. is now before me, and for which I thank you, because I feel assured that it places me in possession of facts as they really exist.

The object of the present meeting of the Cherokees, near the Tennessee line, is to lay before them various matters relating to their annuities, and other things, as well as to sound their opinions in regard to the late treaty arrangement entered into by the emigrating delegation at Washington. I regret to learn from your letter, as well as from other sources, that the course of Judge Hooper, Underwood & Co. has so far succeeded in fostering the vain hope of the Cherokees that they can successfully resist the constituted authorities of Georgia in the settlement of her territory. I am perfectly aware of the combination of which you speak, and I perceive the evil tendency which has and must result from their efforts. It is surpassing strange that any citizen of Georgia should be found arrayed against the best interest and rights of the State, and yet have the effrontry to talk about "State rights," and even claim and seek the political confidence of the people while they are thus laboring to prostrate the dignity and sovereignty of the State at the feet of a handful of ambitious, half-savage men, who are the mere tools of a violent political faction, evidently determined upon the destruction of this Union, and with it the most free and happy government on earth. Every thing that could be done by the President of the United States to bring our Indian perplexities to a close has now been done. If the Indians continue to reject the proposal of the Federal Government until the meeting of our State Legislature, it will then be proper for the authorities of Georgia to enter earnestly upon the work of bringing to a final issue these long-standing perplexities.

Rest assured that whatever part of this duty may devolve upon the Executive will be performed at all hazards. If the people elect men to represent them—true, firm and faithful to their rights and interest—all will be provided for, and end well. Quiet, peace and prosperity will be speedily given to the Cherokee part of Georgia. The necessary measures are plain and simple, but, if I had

leisure, I should not at this time feel at liberty to enter upon the details of such measures as I would recommend. Suffice it to say that, whatever the people *will* upon the subject, it is the duty of the Legislature to perform; otherwise they will not be the representatives of the people. If judges and lawyers are permitted to thwart and overturn the laws, for purposes of their own political or lucrative aggrandizement, the people are no longer free and sovereign—the judges and lawyers are their masters. I sincerely pity the Indians; they are deluded and misled by mad men; but they must not be indulged in their preposterous notions of overturning the laws of Georgia, and establishing an independent government. Their own good, as well as that of the white population, demands that we press forward to a final adjustment. The sooner, the better for the Indians, as well as the State and her citizens. The magistrates to whom you refer were commissioned yesterday. Where there is liberty, there must be political strife; but, so long as truth is left free to combat error, I trust the Republic is safe. I feel the full weight of the embarrassments which have been thrown in our way, to prevent a happy adjustment of our Indian affairs; but my confidence in a successful issue—and that at a day not far distant—has been strengthened at every step of my administration. Indeed, I now consider the battle as having been fought and won. What remains to be done is comparatively nothing, when compared with what has already been accomplished. “Be strong and fear not!” We have contended for the interest of the people and of the State! We shall be sustained!

Very sincerely, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec'r 13th, 1834.

Dr. Thomas Sewall,

Washington, D. C.

Dear Sir:—Under the provisions of a resolution of the Legislature of this State, I am authorized and requested to procure and furnish the citizens in several of our new counties with *vaccine matter*, to be used gratuitously for the public benefit. Permit me, therefore, to ask the special favor of you to send me of the genuine article, properly put up in suitable parcels for distribution.

with ample directions for using the same, the quantity that may be procured for the enclosed ten dollars (\$10). Send it by mail, and direct to me at this place.

My apology for thus troubling you must be found in the fact that my inattention to such matters leaves me at a loss to know a more suitable agency to apply to than yourself, and, from a knowledge of your disposition to do good, and serve your generation, I feel assured you will pardon the liberty which I have taken. Please to attend to this call speedily, as the *small-pox* is actually spreading in several of our new counties, and we are wholly destitute of the vaccine matter which is considered the most efficient remedy to avert the calamity.

Sincerely and truly yr. friend,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec. 13th. 1834.

Lewis Weld, Esq.,

Augusta, Ga.

Sir:—Your favor of the 8th inst. is now before me. The information received at this department, through the politeness of Gov'r Foote, of Connecticut, and yourself, on the subject of the education of the deaf and dumb, and for which I thank you both, was laid before the Legislature of Georgia at the commencement of the present session, and together with information derived from other sources, was referred to the appropriate committee, whose views may be seen by a copy of their report on the subject herewith enclosed. This report will show that the views of the committee, on every important point, coincide with your own. The session of the General Assembly is hastening to a close, and what may be the final action on the report I consider uncertain. I hope, however, that it may be sustained by appropriate legislation before the session closes. I should be very much pleased to see you and your pupils here. I have seen your exhibition of them at Washington, and know that such an exhibition here could not fail deeply to impress the public mind in favor of laudable efforts to educate this unfortunate class of our fellow beings. But I fear before you can arrive here it will be too near the close of the session to effect anything in regard to the action of our Legislature on the subject. Indeed, everything here, from this time to

the close of the session, partakes too much of that hurry and impatience so unfavorable to calm deliberation on subjects of the greatest importance. Should you, however, think proper to come, you may rely upon a kind reception, and will be prepared to make the proper allowance for any seeming inattention which may be attributed to the peculiar circumstances of the moment.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec. 13th, 1834.

Maj. B. F. Curry,
Spring Place, Ga.

Sir:—Your two very interesting letters of the 18th and 30th ult, have been duly received. The information they contain will be useful to this department, and to the public. Your first letter (leaving out such parts as were deemed improper to be made public at this time) has been communicated to the General Assembly. My object in making this public use of your letter was, if possible, to induce the Legislature to act efficiently upon the subject of our Indian relations. Your views coincide with my own, which have so repeatedly been urged upon the Legislature, but, from various causes which I have not time at present to explain to you, it is a very difficult matter to induce that body to take a correct view of this subject, and legislate accordingly. The lawyer influence of the State is chiefly engaged against the policy and people of the State on this subject. It is their interest to keep up and continue the present litigation and strife which exist in that section of the State.

The opposition to the Federal and State administrations throws every possible obstacle in the way of an amicable adjustment of our Cherokee difficulties. In a few days I shall be able to communicate to you the result of our legislation on the Indian subject, when you may expect to hear from me more fully. In the meantime, you may assure Boudinot, Ridge, and their friends of State protection under any circumstances. I shall feel it my imperative duty to pay due regard to their situa-

tion, and afford them every security, aid and protection which our laws will justify or authorize.

In haste, I am, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec'r 19th, 1834.

Joseph Day, Esq.,

Chairman, &c.

Sir:—After reflection, I consider it my duty respectfully to state to you that I shall decline obeying the requirements of your subpoena to appear before the Committee of the House of Representatives and give testimony in the case stated to be pending before the Committee, or to answer any interrogatories which may be propounded to me as *a witness* in said case. I cannot recognize the right of the Legislature, or its Committees, to compel the Executive to give testimony in any case pending before that body, when the testimony sought must obviously have a bearing upon the official acts of the Executive. All proper information, respectfully sought by the Legislature, or its committees, will, as heretofore, be promptly furnished by me, so long as I occupy the Executive chair. The insulting and accusatory interrogatories which the Committee are apprised have already been submitted to me, bearing the signature of John W. Hooper, wholly forbid the idea of the Executive of the State of Georgia degrading itself and bringing reproach and contempt upon the authorities of the State, by entering into a personal controversy with Judge Hooper and his counsel who have sought to divert the public mind from their own conduct, by endeavoring to substitute a controversy with the Executive. In all my official communications to the General Assembly, and others, I feel that I am fully sustained by the documents heretofore submitted to the Legislature. And, to support my opinion, I beg leave to refer to the bill of injunction, the reports of Mr. Cuthbert, and the opinion of Judge Warner, which accompanied my annual message.

Very respectfully,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec'r 23d, 1834.

Col. Wm. N. Bishop,
Murray County, Ga.

Sir:—Under the provisions of an act of the General Assembly, assented to on the 20th inst., entitled “An Act to amend an act more effectually to provide for the government and protection of the Cherokee Indians residing within the limits of Georgia,” &c., I have this day appointed you an agent to carry into effect the provisions of said act, and herewith furnish you with a copy of the law and the order of your appointment. The best guide and instructions for all officers and agents under our government is the letter and spirit of the laws which they are called to administer and execute. Therefore, you will consider your various duties as being best defined by the acts of the Legislature under which you are called to officiate. After filing your bond, and taking the oath of office pointed out in the law, you will be ready forthwith to enter upon the duties of your appointment. The principal duties required of you, as agent aforesaid, will be to examine and report to this department, when so required, in terms of the law, all lots of land subject to be granted under the act of the 20th of Dec., 1833, and to deliver possession to all applicants who are the legal or rightful owners of all lots of land which are, or may be, granted under the provisions of the said act of 1833. In performing the latter duty, to wit: placing the legal owner holding claim under a grant from the State in possession of his premises, you may, as has evidently been contemplated by the Legislature, meet with resistance. Permit me, therefore, to suggest to you the importance of exercising a prudent forecast in making proper arrangements to meet any exigency which circumstances may cause you to apprehend. In all cases, where the laws require you to demand a change of possession, *the law must be sustained*. But I would advise in all cases that you, in the first instance, rely upon the moral force of the law as the authority of the State, without menace, threat, or irritating discussion of any kind. Rely first upon the law and reason. If, unfortunately, these fail, be prepared to use the means provided by the law. It is true the law confides the power of using force to the Executive, when, according to the report of the agent, this force may be deemed necessary. But you are the agent, and upon your

reports I should have to supply you with force when needed. And I therefore deem it most expedient, economical and proper, to authorize you at once to exercise a sound discretion, and, when you deem it necessary, call to your aid such force as may be necessary to carry this provision of the law into immediate effect. Should any case, however, occur which, in your judgment, shall require a greater force than you are able to command, you will immediately report the case to me, with all the circumstances attending the same. I have not yet come to a definite conclusion whether I shall appoint one or more agents to assist you in the service or not, but shall finally determine as I may think the interest of the country demands. In the meantime, you will, for the present, and until otherwise instructed, consider your agency as being extended to the entire duties contemplated by the Legislature. The Legislature having provided a per diem allowance for your compensation, will make it necessary for you to keep an account of the days you may devote to this particular service. In the execution of the delicate and important trust herein confided to you, permit me respectfully to suggest to you the importance of keeping me constantly advised of every important matter which may transpire in any way connected with your present agency. Should any difficulty arise, calculated to obstruct the due and faithful execution of the law, report the same to me, and you shall promptly have the aid of the best advice which I may be able to afford. These suggestions and instructions having been written, as you are apprised, in much haste, I have probably omitted something that you may deem important. If so, I shall take great pleasure, at all times, in communicating to you my views, without reserve, upon all subjects connected with your official duty.

I am, with great respect,
Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec'r 23d, 1834.

(Private and confidential.)

Col. Wm. N. Bishop.

Dear Sir:—Connected with the duties of the agency to which you have been invited by me, I consider it my duty to advert to the past course of conduct of the Judge of the Cherokee Circuit, in relation to our Indian popu-

lation, and the laws enacted for their government. Highly reprehensible as I have considered the conduct of Judge Hooper, I have always placed the most favorable construction on his actings and doings. I have not charged him with corruption, but with imbecility and assumption; and I believe he has been led into his hightoned assumptions by the ingenuity of selfish and bad men of capacities very far superior to his own. The embarrassments thrown in the way of the policy and interest of the State, and the peace and prosperity of its citizens, by the conduct of the Judge, and those who are believed to govern him, is of the most serious nature. It may be denied, but this *Judge* and his counsel have evidently commenced a system which, if submitted to, will very soon destroy the efficiency of the Legislative and Executive departments of the Government.

Under the circumstances, permit me to say to you, and let it be distinctly impressed upon your mind, that Judge Hooper will not be permitted, in any case whatever, to judge and determine for me what laws are constitutional, or otherwise. As the Executive of Georgia, in the performance of my official duties, I shall judge of the laws and constitution for myself. No writ of injunction, or prohibition, will stay the Executive from a faithful execution of the laws of the State, where that execution has been specifically confided to the Executive by the Legislature and the Constitution of the State.

From Hooper and his counsel I expect further attempts to thwart the policy of the State. All vague and ambiguous legislation upon the Indian subject will be seized upon to embarrass and hinder the policy of the State; and that much of our legislation is vague must be admitted; but that it is intended by our legislation and willed by our people that the rightful owners of all lands authorized to be granted in what is called the Cherokee Country shall go into the immediate possession of their premises no one dare controvert. And the effecting of this object is confided to the Executive. Nor will I be hindered from discharging this duty by the pettifogging artifice of lawyers, or the embecility of judges who may condescend to be made the mere tools of a class of selfish men. If the good people of Georgia support me, the laws shall be executed.

In haste, respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Correspondence and documents in relation to the alarm of the citizens of Cherokee County, and exhibiting the character of the various excitements in the Cherokee part of Georgia, as also the measures adopted by the Executive in relation thereto.

Headquarters 1st Brigade, 12th Division, G. M.,
May 13th, 1834.

To His Excellency Wilson Lumpkin.

Dear Sir:—You will receive, by the hand of Mr. Bryant, the proceedings of a meeting of the citizens of Cherokee County, on the subject of our Indian relations. They are such as require immediate attention. It is obvious to every person in this section of the country that is at all acquainted with the Indians, that they are more desperate and hostile of late than is usual among them. From the situation of our settlements and sparsely populated country, I deem it necessary that some measures should be resorted to by your Excellency to quell the invasion that is daily expected. The plan I think most advisable is to forward a sufficient quantity of arms and ammunition to the Court House, with a small guard sufficient to keep the arms, &c., so that the citizens could any time be supplied with arms and ammunition to meet any exigency that may present itself. I think their mode of attack will be on persons traveling, or on small settlements, so that it will be difficult to detect them. Should you think the necessity calls for the aid requested, you cannot have it attended to any too soon, as our citizens are in daily expectation of being massacred.

I am, with due respect,

Yr. obt. servt.,

ELI M'CONNELL,

Br. Gen. 1st B., 12th D., G. M.

P. S.—Mr. Moses Bryant has been employed as an express to inform you of the outrages, &c.

ELI M'CONNELL.

The Committee appointed make the following report:

Whereas, the relations now existing between the white and Indian settlers of this country is daily growing more and more important, both to the white inhabitants and to

the traveler, in that we hear of repeated murders, violences, robberies, and thefts having been committed by the Indians, and our own County is not exempted from those outrages. No longer ago than last evening one of our citizens, Dr. James Burnes, was met in the public road, about three miles from Etowah, about the setting of the sun, by two Indians unknown to Dr. B., the one having a rifle gun, the other probably unarmed, at least with fire-arms. So soon as Dr. B. had passed some fifty or sixty steps from the Indians (still keeping his eye upon them from suspicion excited from the manner and behavior of the Indians), the moment Dr. B. had taken his eye off them, they fired on him, and shot a rifle ball through the left side of his hat, the ball passing first above the ear, burying about half the breadth of the bullet in the skin. We are glad to say Dr. B. is not dangerously wounded, though the eighth of an inch deeper would have undoubtedly destroyed his life. It is also true that there is a growing disposition of hostility in the Indians generally, which disposition must be arrested, in order to ensure the safety of the white settlers of this country.

Threats of the lives of our white citizens are daily and publicly made by the Indians. It therefore becomes the duty, as well as the interest of the white settlers of this country to adopt some strong and energetic measures upon this all important subject.

1. Resolved, therefore, That, owing to the sparse population of this county, the locality of the country, and the facilities of concealment of Indian outlaws, we are satisfied of the utter impracticability of enforcing the laws of the State in an efficient manner, unless aided by military force from the State or General Government, that his Excellency, the Governor, be requested promptly to cause such force to be stationed at suitable points as will protect our citizens and aid the civil authorities in executing the laws of the State.

2. Resolved, That the citizens of Cherokee County are in constant danger of assassination, and other lawless violence, and in this situation it cannot be expected that the ordinary operations of agriculture and increase of population can progress, and that, consequently, without the aid required in the foregoing resolution, the policy of the State and the General Government must be defeated by a disgraceful but necessary retreat of the population now here to a peaceful asylum for their families,

and a surrender of the country to the original savage occupants.

3. Resolved, That we pledge ourselves mutually, that for every citizen of the County of Cherokee assassinated by a Cherokee Indian, and where the offender is not given up to the civil authorities within two weeks (or satisfactory evidence of their inability of arresting the offender) from the date of the offense, we will select three male Indians out of the County of Cherokee, and put them to death as an atonement for the murder of such citizen.

4. Resolved, That we deprecate the necessity of the desperate course pointed out in the above resolution, but, unless timely aid be afforded us, we must strictly pursue it, or disgracefully abandon the country.

5. Resolved, That the proceedings of this meeting be forwarded by dispatch to his Excellency the Governor, with a request that he cause it to be published in each of the public journals in Milledgeville.

6. Resolved, That a committee be appointed by the chair to draft and forward circulars to the several counties in the Cherokee territory, requesting their co-operation in the design of the foregoing resolution.

7. Resolved, That the editor of the Cherokee Phoenix be furnished with a copy of the third and fourth resolutions, with a request that it be published in the Cherokee language in the said paper.

8. Resolved, That we recommend to the merchants of this County not to retail spirituous liquors, or suffer them to be drunk on their premises by Cherokee Indians; and that they be also requested to refuse to sell any arms or ammunition to such Indians.

9. Resolved, That we pledge ourselves to prosecute all and every person or persons who may be found illegally retailing spirits to Indians, suffering violations of the Sabbath day, and other disorderly conduct suffered on their premises by the Indians, and that we will promptly prosecute all offences relating to the compromise of felonies and other offenses committed by the Indians.

HOWELL COBB,

Chairman.

D. R. Mitchell, Secretary.

Etowah, May 12, 1834.

To His Excellency Wilson Lumpkin.

Sir:—Since the convention of a meeting of the citizens of this town and neighborhood, an additional portion of intelligence has come to us, circumstances which we believe to be true. An Indian girl has been brought before us, who gives the following facts, with tears in her eyes and every emotion of excitement. There has been, and now is, a concerted plan amongst the Indians for the purpose of a massacre of the white inhabitants of this country. She says she received the information from her grandfather, who is a chief, under an injunction that, if she revealed the plan, he himself would put her to the most cruel death she could die. She says about three weeks since her grandfather went to John Ross's house, and returned with a circular written in the Indian language, in which it was planned about the coming up of corn, and at the time the leaves were fully grown, the Cherokees were to be organized in squads of twenty and thirty, who were to attack the thickest settlements and towns at one general signal. The Cherokee girl is a girl of very general intelligence, reads and writes both in English and Cherokee language, and has been raised in a white family. The Indian girl says that when she heard of the attempt upon the life of Dr. Burnes, she believed it to be the signal of attack. We have taken the girl with us, and shall, as soon as possible, carry her and our wives and children into some of the old counties, and return and defend the country to the last. We are, as it were, in the beginning of war. Aid from the State must be had instantly. In addition to our perilous condition we are without arms or ammunition—we must have arms as well instantly. In addition to our perilous condition, we are in such a state of excitement from the situation that we have not time to give further particulars. We are a committee appointed to report the facts. The Indians have been for some time past purchasing unusual quantities of powder and lead, and have been seen for some time past rapidly passing and repassing with guns.

Yours, &c.,

D. R. MITCHELL,
JOHN BREWSTER,
R. M. HOLT.

Committee.

Executive Department, Ga.,
Milledgeville, 15 May, 1834.

Brigadier General Eli M'Connell.

Sir:—I have just read your communication of the 13th inst. (by express), accompanied by two other communications—one signed by Howell Cobb and D. R. Mitchell, Esqrs., as Chairman and Secretary of a meeting held by the citizens of Cherokee County, and the other signed by D. R. Mitchell, Jno. Brewster and R. M. Holt, Esqrs., all of which communications tend to confirm the belief that a very great and extraordinary excitement has been produced in the County of Cherokee, on account of the recent conduct of certain Cherokee Indians, in having shot a gun at, and wounded, one of your citizens; and, from the communications of a certain Indian girl, that hostilities were planned and intended by the Cherokees against the whites, and the general allegation of other insolent and outrageous acts of the Cherokees, without, however, specifying particular acts. Now, sir, before I proceed to a more detailed reply, permit me to assure you, and, through you, the community embraced in your Brigade, that, so far as may depend upon the Executive, the most energetic lawful means will be used to defend the persons and property of our citizens. And you will consider this as your direct order and authority from the Commander in Chief to aid the civil authority to the full extent of your official command, in a legal and faithful execution of the laws of the State, should such military aid be required to carry into effect the judicial authorities of the State. Moreover, should the sparseness of the population and the want of arms in your Brigade be deemed inefficient to meet any real or apprehended emergency, you will then, in that case, feel yourself authorized and directed to call upon Maj. General Bates for such aid and assistance as may be deemed necessary, who will, in the meantime, be instructed to hold in readiness such portion of the volunteers as may be attached to his Division, for the purpose of meeting such emergencies as you and other citizens apprehend. The present state of disquietude which pervades the minds of many of the Cherokees who still remain in Georgia is by no means a matter of surprise; under existing circumstances nothing else could reasonably be expected. These people have resisted emigration to the last moment, and some of them, under exasperated feelings of despair, may resort to acts of des-

peration. But that anything like a plan of general hostility has been aranged and agreed upon by the remnant of Cherokees, I am very far from crediting. I know that ten days ago the two delegations at Washington were seriously engaged upon the subject of negotiating a final treaty with the Federal Government. And I know that intelligent men among the Cherokees rely upon negotiation, and have too much light to countenance the idea of hostilities. I attribute all the desperate acts which have been or may be committed by the Cherokees to the wicked and selfish influence of certain citizens of Georgia who are, and have long been, engaged in the diabolical work of endeavoring to produce a state of anarchy and civil war in the Cherokee section of our State. We all know that the Cherokees have in pay a feed combination of men who are using every effort to overturn the laws and Constitution of the State. It is those men who are producing the evils complained of, and upon them, and not the poor unlettered Cherokees, be the vengeance of Heaven!

The causes pointed out by you and others will not justify a resort to military force, until a fair and full trial is made to enforce the civil authority. From what is before me I can certainly see nothing to justify the belief that the laws of the country cannot be executed in the punishment of the offenders complained of. Should, however, the population of the new counties be found insufficient to enforce our laws and maintain civil government, and should the conduct of the natives, aided by the disturbers of the peace and quiet of the country, render it necessary and proper, be assured the people shall be protected in their homes, and the guilty shall not escape the power of the Government. You will please to communicate the contents of this letter to the other gentlemen who have addressed me on the subject of your present alarms.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 15, 1834.

Major Gen'l John Bates,

Gainesville, Ga.

Sir:—I have received this day, by express, several communications from the citizens of Cherokee County,

which exhibit the most unexpected and extraordinary state of alarm and apprehension.

Before this reaches you I have no doubt you will have heard of all the causes of alarm which have reached me. I therefore omit to detail them to you. There has nothing yet come to my knowledge which would justify military operations.

I have directed Brigadier General M'Connell to aid the civil authority in executing the laws of the State. And further, I have informed him that you would be instructed by me (should circumstances render it necessary) to furnish the whole or any part of the volunteers attached to your Division, for the purpose of suppressing any hostile movements which may occur among the remnant of the Cherokees still remaining in our new counties. In their present state of alarm they complain of their want of population and arms. Your Division has the population, and, if arms should be wanted, the Arsenal at this place will afford a sufficiency for the contemplated emergency. I cannot, however, apprehend the results which the citizens of Cherokee seem to anticipate in their present excited state of feeling. Should these unfortunate and deluded people be urged on to acts of desperation, it may be traced to the selfish and wicked counsel of a combination of our own citizens who are the feed enemies of the rights and interest of the State.

In great haste, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 16, 1834.

Brigadier General Eli M'Connell,
Cherokee Court House.

Sir:—Since writing to you yesterday, by express, on the subject of our Indian relations in your section, further and more mature reflection fully confirms the hasty suggestions contained in my letter referred to. And I now consider it my duty to give you my views more fully on the subjects presented in the communications received from yourself and countrymen, and must beg leave to make you the organ of my opinions to our fellow citizens who have addressed me on these subjects.

I must be permitted to express my surprise at being informed by a committee of citizens of Cherokee County

that they entertained the opinion that nothing short of military force could enforce the laws of the State in that County, and further, that without the aid of military protection, a necessary but disgraceful retreat and abandonment of the country might be expected, and a formal surrender made to the aboriginal savage occupants; and, further, a formal resolve (notwithstanding the apprehension of weakness) promptly to execute a savage retribution, by taking three lives for one in every instance of murder; and, further, the Governor is requested to be the organ of promulgating these resolutions and opinions to the world; and the citizens of the other new counties are to be called upon to co-operate in these measures. Now, sir, permit me to ask, where is the evidence that our laws cannot be executed? When, or where, have they been resisted so as to require military force to aid the judiciary? The Legislature, the immediate representatives of the people, eighteen months ago determined that the laws of the country could be executed, without a guard or military force, and although I was of a different opinion at the time, now that the white population has increased (I presume four-fold) and the Indian population has greatly decreased, and we have ten organized counties in place of one, all officered and prepared to administer the government; can it, I say, under such circumstances, be necessary and expedient (if legal and constitutional) to supersede the civil government of this country by a military (and consequently arbitrary) government? It is evident and clear that the scattered remnant of the Cherokees now remaining in Georgia are too far reduced to be considered in the light of a formidable foe. And while it may be admitted that even the lives of innocent individuals may be more endangered in the Cherokee part of Georgia than in other sections of the State, nevertheless, justice requires the assertion of the fact that no portion of the State, for two years past, has been more free and exempt from assassination and murder than that which is inhabited by this unfortunate people. When we look for the true cause of increasing excitement amongst these people, will it not be found arising out of the improper conduct of a portion of our own white population? Do not our people supply the facilities of their obtaining the intoxicating drink which is often the immediate cause of acts of horror and desperation? Since the organization of our courts in the new country, have not many of our citizens, distinguished for their legal acquirements,

used every exertion, publicly and privately, to impress the minds of these people with the belief that they are greatly oppressed, and arbitrarily deprived of their rights by the Government of Georgia? Have not men traversed the country, from county to county, and court to court, for the express purpose of engendering and stirring up strife between the red and white men? Are not these men fed and paid to produce, increase and perpetuate litigation, strife and heart burnings? The wise man says, "Surely oppression maketh a wise man mad."

Need we, then, be surprised that these men of the forest, when goaded on by our own courts and lawyers, should be induced to feel a spirit of revenge for their supposed oppression? I have reason to believe that the day is not distant when we shall be entirely relieved from this troublesome portion of our population (the Cherokees.)

But, until we are thus relieved, our laws should be enacted and executed with a view of striking at the root, and not the branches, of the evil. The moral criminals are the white men who stimulate and excite these unlettered sons of the forest against their white neighbors. All this is done "*for the sake of filthy lucre;*" and yet the vile instruments of these enormities receive the countenance and courtesies due to honorable men alone.

My confidence in your patriotism and good judgment produces much delicacy of feeling in dissenting from any opinion which you express. But, under all the circumstances, I cannot deem it necessary at present to place a guard at Cherokee Court House. If a guard were placed there, the immediate consequence would be that every neighborhood in the ten new counties thought to be exposed would call for and demand similar protection. The timid, the women and children, throughout the country, would catch the excitement, feel the panic and spread the alarm. We would open the door for unparalleled confusion and alarm. Those whose business it is to excite and agitate the country would find an ample field for their destructive heresies.

The prompt and efficient course which suggests itself to my mind is the immediate organization of volunteer companies throughout the new counties, when the population can afford such corps. The most enlightened, patriotic and energetic citizens of every county should immediately aid in the organization suggested. Although our supply of arms is limited, we have a sufficient number of excellent muskets and ammunition at this place to

meet the present emergency; and, under the circumstances, I should feel myself authorized to grant the supply.

I would suggest the propriety of your communicating these my views in regard to volunteer companies to Major General Terrell, and other officers and individuals of influence, with all practicable dispatch. In the meantime, I shall encourage the organization of such companies in the new counties, through various other channels. Under existing circumstances, every good citizen of that country should consider himself a volunteer and sentinel. In conclusion, I have no idea at this time of guarding by military force the ten new counties of Georgia. The policy would be both degrading and ruinous to the State. If the laws of the country are resisted, or an insurrectionary spirit should break out into acts of violence, we must make short work of it. The enemy must be punished, or driven from the country. The people need not fear. When a proper occasion arises for military movements, prompt and energetic measures will be put in operation. I think, however, by a due exercise of prudence on the part of the good and wise, the serious evils apprehended may be avoided, and our long-standing perplexities be brought to a happy issue.

With great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 16, 1834.

Sir:—I have received information of a most extraordinary excitement which has recently taken place in Cherokee County, growing out of the fact of an Indian having shot at and wounded one of our citizens, and certain information, communicated by an Indian girl to certain citizens of Cherokee County, of contemplated hostile movements (as she states) of the Indians against our white citizens. Having reason to suppose that before this reaches you you will have heard the details of the excitement alluded to, I deem it unnecessary to extend this communication by giving you the reports which have reached this department. It is necessary, however, to the object which I have in view to state to you that some of the citizens of Cherokee County have communicated to

me their belief that they are in danger of being massacred by the Indians, unless military protection is immediately afforded them. They say, without such aid the country must be disgracefully abandoned, and surrendered to its original savage occupants, &c., &c. The evidence before me by no means justifies any such apprehensions. And I trust and believe that their fears will never be realized. At any rate, I never can consent to the expediency and policy, under the existing state of things, of organizing a military government or standing army to supersede or protect the civil authority of the new counties. Should a state of things unfortunately arise which may require military operations, why, then we must make short and prompt work of it. The enemies of the State who attempt insurrection must be punished or driven from the State. It will never do to sustain an army for the purpose of guarding an enemy pampered and nourished in our own bosom.

As the best means of defence and security, I have suggested to General M'Connell, and others, the importance of an immediate organization of volunteer companies throughout the new counties, where the population will afford it. And the corps thus organized should be supplied with good arms and ammunition from the Arsenal at this place. And, moreover, should any emergency render it necessary, General Bates has been instructed to furnish a sufficient force from his Division to quell any insurrection or disorder which may possibly arise. This state of things requires prudence and forecast on the part of every patriotic and intelligent citizen of the State, and especially of those who reside in the new counties. We should closely watch the movements of the enemies of the State who have long been engaged in the unholy work of exciting the prejudices of the natives against the authorities of the State. These individuals, and not the Indians, are the root of all the evils complained of. My principal object is to request your aid and influence in the organization of volunteer companies, and to teach the people to rely upon a faithful execution and enforcement of the laws of the State, and inducing our citizens to rely upon the civil measures, as long as practicable, assuring them that, if necessary, the militia will be called to the aid of the civil authorities. Upon the reception of this

you will please to let me hear from you without delay, in regard to the state of things in your section.

I am, respectfully, &c.,

WILSON LUMPKIN.

Col. S. D. Crane, Col. Wm. N. Bishop, Gen'l Jas. Hemphill, Col. Hargrove.

Cherokee County, May 17, 1834.

Dear Sir:—From the general excitement, caused by the frequent depredations committed on our good citizens of this County, I have ordered out a guard of twelve or fifteen men, under the command of Captain Robert Johnson, for their protection, not having arms to defend themselves.

He is ordered to take peaceably from the Indians their guns, *town by town*, from all the hostiles (sixes) of this County; or from such other hostile town of the Indians as may be known and proven to be unfriendly to the whites. This was the most efficient plan that suggested itself to my view. The arms will be taken good care of, and returned to the Indians when ordered by your Excellency, and we trust not before a regular guard of at least thirty men, either of the United States or State troops, are known to the Indians to be stationed with us. This step will promote emigration. The lives and property of the citizens demand a guard.

With much respect,

Yr. obt. servt.,

HENRY M. TERRELL.

Executive Department, Ga.,

Milledgeville, May 24, 1834.

Major General Henry M. Terrell,

Cherokee Court House.

Sir:—Yours of the 17th inst. was received this morning, in which you state that you had ordered out a guard of twelve or fifteen men, under the command of Capt. Robert Johnson, for the protection of the citizens of Cherokee County. You add that Captain Johnson has been ordered to take from the Indians their guns, "town by town, from all the hostile (sixes) of Cherokee County.

or from such other hostile towns as may be known to be unfriendly to the whites." You moreover urge that a military guard of thirty men, at least, be stationed in the County, &c., &c. I have nothing before me *whatever* in the nature of evidence that would justify the conclusions or measures which you have resorted to and recommended. If there be *hostile* towns of Indians within the limits of Georgia, they are unknown to me. And I feel myself compelled, by a sense of the highest obligation to the people and to the laws and Constitution of the State which I am sworn to support, not to violate and overturn the civil authority of the country by substituting and establishing a military and arbitrary government in lieu thereof. Two years ago, I recommended and urged the Legislature to authorize such a guard as you now recommend. But that body deemed it unnecessary, and declined doing so, even at that time. Now that our population has increased four-fold, and we have ten organized counties in the place of one, and the Indian population has greatly decreased, can it be reasonable to suppose that the military operations which you propose can be proper and expedient? We live in a country of laws, and the highest officer known to our Government is bound to obey the law. Officers must execute the laws as they find them, and not assume to say what the law shall be. It is true that the very extraordinary excitement which seems to prevail in the County of Cherokee, if kept up and encouraged, cannot fail, in a very short time, to produce a state of confusion which will unsettle everything like order and civil government. If the rights secured to the Indians by the laws of the State are wholly disregarded—their lives taken without law or legal trial; their property wrested from them by arbitrary force—then indeed we may expect to see the laws of the state prostrated and the advocates of revolution glorying in their success.

I hope before this reaches you you will have seen my communications to General M'Connell (who was requested to apprise you of my views) and you and he, I trust, after due deliberation, will concur in the measures which I have suggested, and lend your aid in carrying my views into effect. Be assured that nothing has yet been laid before me which will justify the measures which have been contemplated by those who are unfortunately laboring under feelings of strong and extraordinary excitement. Under the existing state of things, very much depends upon the course pursued by yourself and General M'Connell. It

requires great firmness to resist popular excitement; but every public man should make up his mind to do his duty, and trust the people for the rest.

In haste, yr. obt servt.,

WILSON LUMPKIN.

Etowah, May 18th, 1834.

Sir:—The haste that was required in sending an express to you a few days ago, upon the subject of our Indian difficulties, made it necessary that we should send you the original papers. As they are wanting, we request you to enclose them to us by mail.

Yr. obt servts.,

HOWELL COBB, Chairman.

D. R. MITCHELL, Secretary.

Governor Lumpkin.

Executive Department, Ga.,

Milledgeville, May 24, 1834.

Howell Cobb and D. R. Mitchell, Esqrs.

Gentlemen:—I have received yours of the 18th inst., requesting me to return to you the papers forwarded to me by you a few days ago (by express.) I should be pleased to oblige you, if it could be done consistently; but these papers have now become a record and file of this department, upon which your official acts and correspondence have been predicated. Therefore, your request cannot be granted.

Yr. obt. servt.,

WILSON LUMPKIN.

Cherokee C. H., May 22, 1834.

Sir:—We respectfully request the favor of your Excellency to return the letter we addressed you a short time since (on the subject of our difficulties with the Cherokee Indians), as a committee on behalf of the citizens of Cherokee County.

Respectfully, yr. obt. servts.,

D. R. MITCHELL,

JNO. BREWSTER,

R. M. HOLT,

Committee.

Governor Lumpkin.

Executive Department, Ga.,
Milledgeville, May 31st, 1834.

To D. R. Mitchell, John Brewster and R. M. Holt, Esqrs.,
Cherokee County.

Gentlemen:—I have received your request contained in your note of the 22d inst., that I would return your letter addressed to me some time past, and sent by express, on the subject of our Cherokee relations, &c. I am under the necessity of respectfully declining a compliance with your request, because that letter is now on the files of this department, as one amongst other papers upon which official acts and correspondence have been predicated, and must remain here for the justification of the course pursued by the Executive.

Very respectfully, gentlemen,

WILSON LUMPKIN.

Correspondence on the subject of the intrusion and settlement of some of the Creek Indians among the Cherokees resident in Georgia.

Cedartown, Paulding Co., Ga.,

May 27, 1834.

Dear Sir:—We hasten to inform your Excellency that recently a large number of Creek Indians who have disposed of their reservations in the State of Alabama have moved to and settled in this county, near the line of Alabama, and continue to come in daily.

We have held a friendly talk with them on the subject of their removal here. They say the Creeks have sold their lands to the white people, and that they are not willing to go to Arkansas, and that they have come to reside permanently among the Cherokees, who are willing and wish them to do so. Since their arrival here the Cherokees have become much more impudent and hostile than they were before, and say the Creeks are willing to aid them in killing up the white people, and taking their lands back again. They have been continually robbing and plundering our citizens ever since they came here, and we do assure your Excellency that, unless the Creek Indians are speedily removed from this country, our honest white citizens must either remove from the country or submit to savage ambition and violence.

We then hope that your Excellency will adopt some speedy measure to have them removed from our country.

With the highest esteem, we remain, your Excellency's obedient servants,

M. S. EDMUNDSON,
S. F. BURGESS,
JOHN KIRBY,
WADDY THOMPSON,
TURMAN WALTHALL,
HIRAM WRIGHT,
HENRY PEEK,
LACY WITCHER,
JESSE STEPP,
JOHN WITCHER.

Executive Department, Ga.,
Milledgeville, June 7, 1834.

Hon. Lewis Cass,

Secretary of War.

Sir:—I herewith enclose you the copy of a communication received this morning from a number of highly respectable citizens of Paulding County, Georgia, from which you will perceive the immediate necessity of using the most efficient means to correct the evils complained of. Under the existing state of things in the Cherokee part of Georgia, it cannot be permitted for the Creek Indians, of Alabama, to think of taking up their abode within the limits of Georgia (even for a short time) if they manifest the most friendly disposition towards the citizens of Georgia. But, on the contrary, while they manifest a hostile spirit, accompanied by the most daring and insolent assumptions of menace and threats towards the whites, not a moment should be lost in suppressing the dangers which must be anticipated.

I shall apprise the citizens of Paulding County of having made this communication to you, and shall venture to assure them that you will promptly resort to the most efficient means within your control to remove the cause of complaint. In the meantime, I shall have in preparation such measures as will enable me to meet the depre-

ciated necessity of using the militia of Georgia to meet any emergency which may demand a resort to such means. I will not conceal from you that the interest, peace and quiet of the citizens of Georgia and Alabama require that we should, if possible, avoid calling upon the militia to suppress Indian menace or irregularity. Should such a necessity occur, you can readily conceive how very difficult it may be to restrain such force within the limits which prudence and humanity would inculcate on the feelings of the disinterested. Of late I have received many communications from highly respectable citizens of the Cherokee part of Georgia, complaining of the hostile feelings indicated by the Cherokees who reside amongst them. And in some cases the excitement has been very strong, and I have been urged to use military force to guard against and suppress the evils complained of. I have continued to rely upon the civil authority, and trust we shall be able to govern and restrain these people by a vigilant enforcement of our laws, unless they are stimulated to acts of desperation by a desperate political faction, who are ardently engaged in the unholy work of agitating the country with a view to confusion, if not revolution. In haste, I have the honor to be

Yr. obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, June 7, 1834.

Gentlemen:—On the reception (this morning) of your communication of the 27th ult., I lost not a moment in communicating its contents to the Secretary of War, whom I have urged to use the most prompt and efficient means to correct the evils of which you so justly complain. It is the duty of the Federal authorities to attend to this matter, and many considerations induce one to place the responsibility and duty where it properly belongs. But you may rest assured, and also assure our fellow citizens, that they shall be promptly relieved and shielded from the evils complained of. I have entire confidence that the Secretary of War will promptly do his duty in removing these vagabond intruders. But, in case of failure, I shall take the proper steps to put in speedy requisition such militia force, and under such organiza-

tion, as shall insure a complete correction of the evils complained of.

You may rest assured that, if necessary, the full extent of my constitutional power shall be exerted to suppress the insufferable assumptions of which you so justly complain.

With great respect, &c.,

WILSON LUMPKIN.

To Turman Walthall, Hiram Wright, and others.

Executive Department, Ga.,

Milledgeville, June 9, 1834.

Brigadier General James Hemphill, of Floyd County, and
Colonel Z. B. Hargrove, of Cass County.

Gentlemen:—On the 7th inst. I received a communication, signed by ten of the citizens of Paulding County, wherein they state that a large number of the Creek Indians have recently disposed of their possessions in the State of Alabama, and have since intruded themselves as settlers in Paulding County; and, moreover, that the said Creek Indians state that they intend to reside permanently amongst the Cherokees within the limits of Georgia, upon whose invitation and desire they have thus taken up their abodes. And it is further stated that the Indians are daily becoming more insolent and hostile in their deportment to the whites; and even have the assurance to talk of killing the whites and taking their lands from them, &c. This communication was immediately made known to the Secretary of War by me, with an urgent request that he would forthwith resort to the most speedy and effectual means to remove the intruding and insolent Creeks, and the evils complained of. And further, I have explicitly stated to the Secretary of War that if these Indians were not immediately removed by the Federal authorities I should feel myself under the deprecated necessity of using the militia of Georgia for that purpose. My official course, herein detailed to you, I have communicated to the citizens of Paulding County, with the assurance that their grievances and complaints should receive the most prompt and energetic attention. Upon further reflection it has occurred to me that it would be expedient and proper, and perhaps prevent much evil and bloodshed, to warn these unfortunate remnants of

Indians of the impending evils which they will inevitably bring upon themselves, if they persist in the unlawful and insufferable course with which they stand charged. I have therefore, gentlemen, after full reflection, selected you jointly as the most suitable persons in that section of the State to visit the Indians complained of, both Creeks and Cherokees, and inform them fully and explicitly in regard to the evils which they will speedily and inevitably bring upon themselves by persevering in their present course. Every Creek Indian must quit the country instantly, and not be permitted to remain, under any pretence whatever.

And every Cherokee who shall be found guilty of encouraging the Creeks to settle and remain in Georgia may expect to suffer the penalty of such lawless aggression. You will inform them that military force, either from the United States or Georgia, will forthwith visit them, unless they immediately leave the State; and they will consider your notification as my official order for every Creek Indian to leave the State of Georgia without delay, and in case of refusal, they must abide the consequences.

Moreover, you will notify the Cherokees who are complained of that, if we are urged to the necessity of using military force, their lawless conduct will not escape proper scrutiny and punishment. Under all circumstances I hope, gentlemen, you will not hesitate promptly to comply with my request in performing the delicate duties herein pointed out, jointly if you can, but separately if necessary.

At any rate, let me hear from you immediately on this subject.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, June 9, 1834.

Major General R. M. Echols.

Dear Sir:—Through the ordinary channels of information you cannot have failed to discover the late excitements which have been engendered in various neighborhoods in the Cherokee part of the State. I assure you our good citizens in many neighborhoods are, and have been, under serious apprehensions of Indian hostility and outrage. While I have been slow to believe that these

deluded remnants of the Indian race could be so far misled as to venture upon any general plan of hostility, I must confess to you that we have sufficient indications of increased insolence and assumptions.

A number of our excited citizens, laboring under feelings of alarm growing out of individual Indian depredations, have called upon me for protection, and advised the organization of a military guard to protect our citizens in the new counties. Nothing yet, however, has occurred which would, in my opinion, justify military operations. So long as the civil authority can be enforced, it ought not to be superseded by the military. I have recently received a communication from a number of citizens of Paulding County, informing me that many of the Creek Indians from Alabama have, on the invitation of the Cherokees of that County, come over and settled amongst them, and with a view of a permanent residence. Moreover, they add that these Indians, Creeks and Cherokees, are insolent and hostile in their feelings; and that some of them have even threatened the extermination of the whites. I have communicated these things to the Secretary of War, and urged the immediate removal of these Creeks, as a duty devolving on the Federal authorities. I have informed him that, on the failure of the Federal Government to attend to this business promptly, the militia of Georgia would be used. I have assured the alarmed citizens everywhere that they should be protected at all hazards; and, when the occasion would justify it, we would make short work of it; that we could not think of the expense and degradation of guarding the ten new counties, to protect them from the outrage of this small remnant of Indians; that every citizen should consider himself a soldier and sentinel to protect his fire-side and family, and, when it becomes necessary, they should have aid from proper authority. I have to warn them of the evils which await them in case of refusal. My object in apprising you of these events is to prepare your mind for what may possibly occur. I have also written to our friend, General Bates, upon this subject (this recent excitement). Should it become necessary to use military force to chastise these unfortunate Indians, who are urged to acts of desperation by one of the vilest political factions that ever agitated our beloved country, our movements should be made with celerity. In case of such emergency, may I not rely that, from the two divisions, commanded by you and General Bates, you and he should

raise a sufficient number of volunteers who would at once mount their horses, seize their arms, and drive every Indian from Georgia, before the news extended over the country? Do not misunderstand me; I have no idea of any such rash and violent means, unless circumstances should actually justify and demand it. But, sir, we are not to be sported with on this subject. If a massacre of our people should take place, exemplary punishment must follow. Georgia must at once be relieved from her Indian perplexities.

You will please to let me hear from you on this subject; especially let me know, if force is demanded, what can be done in your division.

Yr. friend, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, June 28, 1834.

Hon. Lewis Cass,

Secretary of War,

Washington.

Sir:—I have the honor to acknowledge the receipt of your letter of the 19th inst. informing me of the measures which you have adopted for the removal of the causes of complaint against the Creek Indians who have intruded themselves on the territory of Georgia, to the annoyance and injury of the citizens of this State. I approve of the direction which you have given to this subject, and hope that, in connection with the measures adopted by myself, it will prove effectual, and that these deluded people will yield to the friendly and united advice of both the Federal and State authorities, and thereby avert all apprehended evils.

In my former letter on this subject I omitted to inform you that, immediately on receiving the communication of the citizens of Paulding County complaining of the conduct of the Creeks, I, without delay, instructed and requested two of the most competent citizens of that section of the State to visit the Indians complained of, and to explain to them the impropriety and danger of their procedure; and to order them to abandon, without delay, the country upon which they have so lawlessly intruded. I have not heard yet from these agents, but indulge the hope that their report may be favorable to our

wishes and the quiet of the country. I learn from Washington that a treaty has been concluded and signed by certain Cherokee delegates now at that place. Will you have the kindness to keep me advised of everything relating to this subject, in any way connected with my official duties, and which may be proper for me to know?

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, June 28, 1834.

Sir:—Yesterday's mail brought me a communication from the Secretary of War, in reply to mine on the subject of the complaints of yourself and fellow citizens against the Indians in your section. As was anticipated in my former letter to you, I have the assurance of the Secretary of War that his prompt attention has been directed to the subject, and that the present agent of the Creeks (Mr. Tarrant) has been fully instructed on the subject; and that, if remonstrance should avail nothing, more efficient means will be immediately resorted to. Be assured, and assure your community, that proper means and vigilance will be used to shield their rights and guard their persons and property from savage depredations.

Very respectfully,

WILSON LUMPKIN.

To Turman Walthall, Paulding County.

Cassville, June 28, 1834.

Dear Sir:—Your favor of date 9th inst. was received by us. Immediately upon its reception we visited Paulding County, and the Creek Indians against whom complaints had been made. On our first approach to their habitations they manifested great hostility, and appeared prepared for battle. We had, in Floyd County, procured the services of Mr. Charles Vann, an intelligent Cherokee, to act as interpreter. Through him, we informed them of the object of our visit, the instructions which had been given to us, and the consequences of a refusal quietly to leave the country. They then made very little reply to us, but agreed to meet us the day following, when they would more fully hear our talk. We accordingly met

them, and fully explained to them the nature of the tenure by which the Cherokees held their homes and your determination that our citizens should not be intruded upon. They replied that they had come amongst the Cherokees in conformity to a usage which had long existed between the Creeks and Cherokees, that they were ignorant of having violated the rights of Georgia, and expressly disavowed any hostile intent. They further remarked that if the principal chief of the Cherokees was to order them to leave the country, they would do so. We informed them distinctly that they must not look to the chief of the Cherokees for authority to remain within the limits of Georgia, and that your orders must be implicitly obeyed. They required until the 24th inst. to answer us fully, which, with the consent of the citizens of Paulding in the immediate neighborhood, was granted. Their final determination was to have been made known to us on that day, at the head of the Coosa, but we heard nothing authentic from them. Turman Walthall and John Witcher, Esqrs., of Paulding, met at that place on the appointed day, by whom we were informed that the Creeks had not departed; and from all they could learn it was not their intention to do so. Mr. Vann thinks it will require but a small force to remove them; such is our opinion also. We therefore recommend that Capt. Peyton Randolph, of Floyd County, may be ordered to perform this duty. We consider the militia under his command fully competent, and we know that they are to be depended on, both for bravery and prudence. You will address Capt. Randolph, at Livingston, Georgia, care of James Hemphill. At our request, Mr. Vann collected as many of the Cherokees in Paulding as he could, and informed them of the charges made against them. They assured him that they had not participated in the controversy between the whites and Creeks, and that they were determined to keep themselves aloof from it. Mr. Vann said to us that he did not apprehend the least danger from the Cherokees.

Very respectfully, yr. obt. servts.,

Z. B. HARGROVE,

JAMES HEMPHILL.

His Excellency W. Lumpkin.

Executive Department, Ga.,
Milledgeville, July 5, 1834.

Gentlemen:—In acknowledging your favor of the 28th ult., permit me to express my sense of your being entitled to the public gratitude, as well as my individual acknowledgements, for the prompt and proper manner in which you have performed the delicate and necessary duty to which you were invited by my letter of the 9th ult. I entirely approve of the views and suggestions which you have submitted, and should immediately take the course which you suggest, but for the fact of having received a communication from the Secretary of War, assuring me that the most prompt means would be immediately put in operation to effect the withdrawal of the Creeks from the territory of Georgia. I have communicated the course determined on by the War Department to the citizens of Paulding County, through T. Walthall, Esq. Therefore, it will be necessary, under all the circumstances, for us to pause until suitable time shall elapse, for the action of the Federal measures; and then, if necessary, we will promptly resort to the means within our own command.

Very respectfully yrs.,

WILSON LUMPKIN.

Col. Z. B. Hargrove and Gen. James Hemphill, Cassville.

War Department,
July 6, 1834.

Sir:—I have had the honor to receive your letter of the 28th ultimo, and am happy to find that the measures taken by this department to obviate the anticipated difficulties from the removal of the Creek Indians meet your approbation.

During the recent session of Congress an arrangement was made with the emigrating portion of the Cherokees for the removal of their people to the country west of the Mississippi. This arrangement, in the form of a treaty, was submitted to the Senate for their ratification, but, not having been acted upon by that body, it still remains before them.

In the meantime, however, the efforts in Georgia for the removal of the Indians will be continued, though upon a plan somewhat changed. Books will be opened for enrollment in which the substance of the treaty will be stated,

and the assent of the signers will be given to it. If a majority of the nation should signify their acquiescence, it is presumed that no difficulty will occur in the ratification of the treaty. But, if not, then the enrolled persons agree to remove as soon after the 1st of January as the public agents may be prepared for operation.

The Indians will be assembled at some convenient place during the season for the purpose of taking their opinion, under a recent act of Congress, respecting the mode of paying their annuity. A convenient opportunity will then be afforded to ascertain their general sentiments respecting emigration. Major Curry will be instructed to report his progress and prospects from time to time to your Excellency.

Very respectfully, yr. most obt. servt.,

LEWIS CASS.

His Excellency Wilson Lumpkin, Governor of Georgia.

War Department,

September 10, 1834.

Sir:—I have the honor to transmit a copy of a letter recently received from the Sub-Agent of the Creeks, on the subject of the injuries committed by their people within the State of Georgia.

So far as this department is informed, no change has taken place in the Cherokee relations. Should anything important occur, I shall not fail to apprise your Excellency of it.

Very respectfully, yr. most obt servt.,

LEWIS CASS.

His Excellency Wilson Lumpkin, Governor of Georgia.

Mardisville, Alabama, Aug. 20, 1834.

Sir:—I have been to see the head chiefs of the upper and lower town, and communicated to them the information you had received from the Governor of Georgia, and stated to them the necessity of withdrawing their people from Georgia, and preventing any more from going into that State. I stated to them the consequences which would result from such a course of conduct as their people were charged with, and urged upon them to attend to this matter as early as possible. The reply of Neah-

Mico, the head chief of the lower towns, in presence of a council of the whole tribe, was that he had no knowledge of any mischief committed by the Indians in Georgia; but stated that he would inquire into the matter, and if he could ascertain where, and by whom, it was committed, he would exert his influence to put a stop to it.

I am, sir, very respectfully,

Yr. obt. servt.,

(Signed) LEONARD TARRANT.

Hon. Lewis Cass, Dept. of War, Washington City.

CHAPTER XII.

Official Letters, 1835.

Executive Department, Ga.,
Milledgeville, Jan'y 12th, 1835.

Hon. Lewis Cass,
Secretary of War.

Sir:—I have the honor to acknowledge the receipt of your favor of the 26th ult., enclosing a copy of the opinion of the Attorney General of the United States in relation to the act of the 30th of June last, providing for the investigation and payment of certain claims under the Creek Treaty of 1821. After examining the act referred to, in connection with the opinion of the Attorney General, I take pleasure in acknowledging the liberal and just disposition which I perceive is manifested by the Federal authorities to bring to a speedy and fair adjustment the long-delayed claims of the citizens of the State of Georgia connected with this subject. Under all the circumstances, I feel it my duty, and am therefore willing, to render every aid which may be placed under my control to bring to a proper close this long standing subject of complaint.

I have the honor to be,

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 12th, 1835.

Col. C. H. Nelson,
Long Swamp P. O.,
Cherokee Co., Ga.

Sir:—I have received yours of the 3d inst., signifying your acceptance of a part of the agency contemplated by the late act of the Legislature entitled "An act to amend an act more effectually to provide for the government and protection of the Cherokee Indians residing within

the limits of Georgia," a printed copy of which is herewith enclosed, together with the order of your appointment.

The sure guide for all officers and agents under our Government is the letter and spirit of the laws which they are called to administer and execute. You will, therefore, consider your various duties as being best defined by the several acts of the Legislature under which you are called to officiate.

After filing your bond and taking the oath of office required by law, you will be ready forthwith to enter upon the duties of your appointment. A blank bond, with a "Dedimus Potestatem," directed to any two of the Inferior Courts of Cherokee County to administer to you the oath of your office, is herewith enclosed, and, when executed, may be returned to this department by mail.

The principal duties which will be required of you as Agent will be to examine and report to this department, when required to do so in terms of the law, all lots of land which are still subject to be granted, under the act of the 20th of Dec., 1833, and to deliver possession to all applicants who are the legal or rightful owners of all lots of land which have been, or may be, granted under the provisions of the act of 1833 above referred to. In performing the latter duty, to wit: placing the legal owner, holding claims under a grant from the State, in possession of his premises, you may, as has evidently been anticipated by the Legislature, meet with obstructions or resistance. Permit me, therefore, to suggest to you the importance of exercising a precedent forecast in making proper arrangements to meet any exigency which may be apprehended by you. In all cases where the law requires you to demand a change of possession, *the law must be sustained*. But I would advise, in every case, that you should, in the first instance, rely upon the moral force of the laws of the State, without menace, threat, or irritating discussion of any kind whatever. If, unfortunately, the moral force and authority of the State enforced by reason and right should fail, be prepared to do your duty, by the use of the forcible means provided by law. It is true the law confides the power of using force to the Executive, when, according to the report of the Agent, force may be deemed necessary; but you are an Agent, and upon your reports I should have to supply the force when deemed necessary. And I therefore deem it most expedient, economical and proper to authorize you at once

to exercise a sound discretion, and when you may deem it indispensable you will call to your aid such force as may be necessary to carry this provision of the law into immediate effect. Should any case, however, occur, which should, in your judgment, require a greater force than you may be able to command, you will, without delay, report the case to me, with all the circumstances attending the same. The Legislature having promised a per diem allowance for your compensation, will make it necessary for you to keep an accurate account of all the days you may devote to this particular service. In the execution of the delicate and important trust herein confided to you, permit me respectfully to urge the importance of your keeping me constantly advised of every important matter which may transpire in any way connected with your present agency. Should any difficulty occur which may be calculated to obstruct a due and faithful execution of the law, report the same to me, and you shall promptly have the aid of the best advice which I may be able to afford. The haste with which these instructions have been written will not justify the idea that nothing of importance has been omitted. You will, therefore, without hesitancy, call upon me freely for my further views upon any and all subjects connected with your official duty.

Very respectfully yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 14th, 1835.

Col. M. St. Clair Clarke,

Washington, Dist. Columbia.

Sir:—Under the provisions of a joint resolution of the General Assembly of this State, approved on the 20th of December last, the Governor is authorized to employ some fit and proper agent to prosecute the claims of the State of Georgia against the United States, for services rendered and moneys paid by the State during the Revolutionary War. And, further, the Governor is authorized to stipulate with the agent who may be employed that he shall receive a sum not exceeding ten per cent. on the amount received from the United States, which may be as a full compensation for his services. Under all the circumstances connected with the investigation of this

subject (and with which you are fully acquainted) I feel authorized to say to you that I am pleased to have it in my power to tender to you the agency contemplated by the Legislature, and deem it unnecessary to use the formality of inquiring whether you are willing to accept the appointment. I shall therefore herewith enclose to you the necessary order of appointment, which will suffice as your credentials for entering upon the investigation as soon as may suit your convenience. Any preliminary arrangements which may be deemed necessary will, on my part, receive prompt attention. Upon the reception of this an answer will be expected.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 26, 1835.

Hon. Lewis Cass,

Washington, D. C.

Sir:—I regret the necessity of having again to complain of the lawless depredations of a party of vagabond and strolling Creek Indians (who yet remain in the State of Alabama), on the property and persons of some of the citizens of this State, who reside in the Counties of Lee, Irwin, &c. On the 5th day of Feb'y last I wrote you on this subject, and had the honor to receive your satisfactory answer, dated the 17th of the same month. Since that time there has been but little disturbance on the subject, until very recently.

I have learned recently, however, through communications entitled to entire credit, that the scenes described in my letter above referred to are again disturbing the repose of the country. Indeed, I have reason to believe that several lives have been lost, both by whites and Indians, growing out of the intrusions and depredations of these savage vagabonds and robbers. If anything can be devised by you to put a final stop to these evils, it will relieve the authorities of Georgia from the painful necessity of resorting to the severe measures of chastisement which the growing insolence of these outlaws calls for.

With great respect, I have the honor to be

Yr. obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 30, 1835.

Gen'l John Coffee.

Dear Sir:—I have this day written to our Senator in Congress, Mr. King, and the Secretary of War, on the subject of the present aspect of our Indian affairs. The immediate inducement for my doing so originated from having seen in the published proceedings of the Senate of the United States the report of a memorial presented by Mr. Frelinghuysen, of New Jersey, in the name of John Ross, on the subject of Cherokee claims, interest, &c. The assumptions contained in this memorial cannot be countenanced for a moment by the people and authorities of Georgia. Without reiterating what I have said to the gentlemen named on this subject, you and our friend Schley will please excuse me for referring you to Mr. King, and request him to show you my letter. You can then see the Secretary of War and the President, if you find it convenient, and let my views be distinctly understood by the Executive Department of the Federal Government, which I have every reason to believe will concur in my conclusions on this subject. I should like to hear from you and Judge Schley on this or any other subject of interest, and have the honor to remain,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 30, 1835.

Hon. John P. King,

Washington, D. C.

Dear Sir:—In the published proceedings of the Senate of the United States I perceive that, on the 21st inst., Mr. Frelinghuysen, in presenting the petition of John Ross, the principal manager of the Cherokees, and who is under the control of a most infamous faction of selfish white men, amongst other things stated to the Senate "that the controversy which existed between the Cherokees and the State of Georgia had reached a crisis, which required the interposition of the United States. They proposed that the part of the territory which they occupied should be purchased by the United States and ceded to the State

of Georgia, and, as to the rest of the territory, they wished it to be confirmed to the Cherokees in fee simple; that, under this state of things, the Cherokees would submit to the laws of the State of Georgia, provided they had conceded to them those equal civil and political rights which were conferred on other citizens of Georgia," &c. Now, sir, I feel it my official duty not only to call the attention of the Senators and Representatives of the people of Georgia who represent them in the Congress of the United States at this time to this deeply interesting subject, but, through you, most respectfully to suggest the expediency of the Congress of the United States being informed at once what is the true state of the question to which their attention has been invited by Ross and his friends and counsel. I know that it would be superfluous for me to enter upon the details of this subject, with a view of giving any new light or information to the Georgia delegation on this subject. Every Georgian of ordinary information is familiar with the whole history of this subject. Suffice it to say that Georgia, upwards of thirty years ago, ceded to the United States the garden spots of the Union, now known as the flourishing States of Alabama and Mississippi, for a most paltry consideration, the principal part of which was that the Government was bound to extinguish the Indian title to the residue of the lands of Georgia, as embraced in her present admitted boundaries, as soon as it could be done on reasonable and peaceable terms. I regret the necessity of saying that the United States has been wanting in good faith to Georgia on this subject. Instead of a faithful and honest compliance with the terms of this compact, some one or other of the departments of the Federal Government have constantly aided, if not created, the insurmountable obstacles which have hindered and continue to hinder and incapacitate the Government from a faithful compliance of a contract deliberately entered into with one of the old thirteen States of this Union.

Bad faith and the want of honesty on the part of the Federal Government have alone created the perplexities and deep injuries with which Georgia has been embarrassed and calumniated on account of her Indian population. Moreover, to the same cause may be fairly traced the whole of the unparalleled assumptions of the Cherokee Indians and their aiders and abettors in and out of this State. Finally, the assumptions of the Cherokees, urged on as they were by a desperate political faction,

forced the people and authorities of Georgia to take the management of her Indian affairs and territory under their own control. And, whatever may be said to the contrary, more has been accomplished by the people and authorities of this State, during the last three years, towards a final and advantageous adjustment of all these long-standing conflicts between the red and white men than has been accomplished for thirty years before. In the policy which has been pursued by Georgia, not only has the interest of the State and its citizens been greatly advanced and promoted, but the Indians themselves have been enlightened to a sense of their true interest. They are convinced that there is no resting place for the foot of an Indian, or prosperity in store for them, so long as they remain in the midst of a white population. Their only remaining hope of salvation is by turning their eyes to the West. And why do we see enlightened men engaged in the ruinous work of keeping these people back from entering the promised land? They will not let the people go until they fleece them of their last dollar.

Ross and his advisers well know that their proposals to Congress are wholly inadmissible, as well as highly insulting to the people and authorities of Georgia. What right has the United States to cede to Georgia her own territory? What has she to do with the fee simple title to lands in Georgia? What arrogance on the part of Ross and his counsellors to propose conditions to the Congress of the United States upon which they will *submit to the laws of Georgia!* Now, sir, I assure you that there is not a Cherokee Indian proper within the limits of Georgia who would be willing to become a citizen of the State upon any terms or conditions whatever. The object of the proposed arrangement is twofold, at least. First, Ross and his counsellors know that he (Ross) can control and dictate to the whole of his party or followers. If, therefore, he could secure to them fee simple, instead of occupant rights, he and his lawyers would immediately make their fortunes out of these resources. Secondly, They know such an arrangement would conflict with the existing laws of Georgia, as well as the rights of many of the citizens of the State.

With the favorable opinion which I entertain of the moral rectitude and intelligence of Mr. Frelinghuysen, and many others who are evidently the dupes of Ross and his Georgia counsel, I would take the liberty of suggesting to you the expediency of taking some pains to explain

this whole subject, as it is, to such individuals. So far as Ross is concerned, it is impossible for the Fédéral Government to effect any just arrangement with him on this subject. His sole object is to provide for himself, his counsel and his friends. You are at liberty to make any use you may think proper of this communication. I shall, as heretofore, faithfully endeavor to protect the legal rights and promote the best interest of the Indian population who yet remain in Georgia by a due execution of the laws of the State. Submission to the laws of the State will be expected from every caste of our population, without asking the consent of John Ross, or his counsel, or even the Congress of the United States.

I am, sir, with very great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 30, 1835.

Hon. Lewis Cass,

Secretary of War.

Sir:—Being apprised that delegations from the Cherokee Indians who still reside in Georgia are now at Washington on business connected with their territorial and other claims, and having seen a statement of the contents of a memorial laid before the United States Senate, in the name of Jno. Ross and other Cherokees, I think proper to communicate to you, and through you, to the President, that, anxious as the people of Georgia still are for a final adjustment and termination of all conflicting claims with this remnant tribe of Indians, neither the people nor authorities of Georgia can ever be induced to accede to the arrogant and assuming terms proposed by Ross and his advisers to the Congress of the United States. Georgia can never submit to the degradation of purchasing submission to her laws, within her own limits and constitutional jurisdiction, from any *caste*, or portion, of her population whatever.

The occupant rights of the Indians will be duly respected; but fee simple rights will not be granted to them under any conditions whatever. Ross is the *dictator* of his party amongst the Cherokees, and if fee simple rights were given to them, he and his *counsel* would derive the

entire benefit. I most ardently desire an arrangement which shall benefit the whole of the Cherokees, and forever and at once put to rest the disquietudes growing out of our present Indian relations. But I would prefer things remaining as they are to an arrangement which would increase existing evils.

I have the honor to be

Yr. obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 31st. 1835.

Major General Daniel McDougald,

Columbus, Ga.

Sir:—For years past a portion of the hunting, vagabond, or strolling Creek Indians, who still remain in Alabama, have been in the habit of crossing the line, and coming over to our State, to spend the cold season of the year for hunting and other more villainous purposes of a more objectionable character, very much to the annoyance and injury of our sparsely settled population in the lower part of your Division, and other adjoining counties. About a year ago the evil became so serious, and the complaints of the people so urgent, that I found it necessary to take efficient steps, with a view to remove the evil. Amongst other measures, I urged upon the Secretary of War the duty of the Federal authorities to take care of their own Indians, by controlling and confining them to their own limits, and thereby remove the evils complained of by the citizens of Georgia. I further suggested to the Secretary the proper use of the United States troops stationed at Ft. Mitchell as the most efficient means to effect the desired object. The Secretary of War approved of my views, and the evil complained of was promptly suppressed, so far, at least, that I have heard no further complaints on this subject from our citizens until very recently. Within the last ten days, however, I have received various communications from a number of highly respectable citizens of the Counties of Stewart, Lee, Randolph, and others, of that section of the State, informing me of increased depredations and outrages, accompanied by insolence and hostility on the part of these vagabond savage robbers, which calls for the most energetic measures which can be devised to chas-

tize the offenders, and put an end, if possible, to these insufferable depredations. Several engagements have already taken place between this savage band and our suffering population in these Counties, in which I deeply regret to learn that several valuable citizens of Georgia have been slain. My object in giving you these brief details is to explain to you the necessity of the call I now make upon you for your official aid in suppressing these enormities. And, first, permit me to request that you will, with the least possible delay, obtain an interview with the officer now in command of the United States troops in your vicinity, and also with the acting agent of the Creek Indians, and lay before them the existing state of things as herein detailed to you.

I presume, from communications heretofore received from the Secretary of War on this subject, these officers and agents of the Federal Government are still in the possession of sufficient orders and instructions from the War Department to act promptly and efficiently in this business. At any rate I hope they are and will be disposed to do their duty with all practicable despatch. The circumstances call for the most prompt and energetic measures, for the people of Stewart, Lee, Randolph, and other Counties, are sending expresses to me, which evince a state of great apprehension and alarm.

I sincerely trust that the officers and agents of the Federal Government will do their duty in this business, and control these Indians as they ought. A few days ago I again wrote fully to the Secretary of War on this subject. But, to prevent further alarm and mischief, I would advise that you immediately communicate the existing state of things to the subordinate officers under your command, in order that the regimental and battalion officers in the exposed counties may be on the alert, and ready to afford what assistance they may be able to command in case of any emergency which may occur. You will please to let me hear from you as soon after your interview with the Federal officers as practicable.

I have the honor to be

Yrs., &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 31st, 1835.

To A. Prince and Wm. H. Dismukes, Esqrs., and other
citizens of Stewart and adjoining Counties.

Gentlemen:—With great surprise and unfeigned regret, I have read the statements which you have forwarded to me, by *express*, detailing the unsufferable outrages and depredations which have been committed on the persons and property of our unoffending citizens by a strolling and vagabond party of savage Creek Indians, who seem to have assumed the character of outlaws and robbers. As far as I can command the means, these evils shall be suppressed and the offenders shall be punished.

I have communicated the existing state of things to the Secretary of War, urging the duty on that department of the Federal Government of promptly attending to these matters, and have suggested the propriety of using the United States troops now stationed at Fort Mitchell for that purpose. I have also apprised Maj. Gen'l Daniel McDougald of all these matters, together with my views, and have, moreover, requested him immediately to see the officer who commands the troops at Fort Mitchell as well as the acting agent of the Creek Indians, both of whom I am apprised have heretofore been instructed by the Secretary of War on this subject, and urge upon them the necessity of energetic and immediate measures being taken by them to remedy the evils of which you complain. I have, moreover, directed Gen'l McDougald to apprise the subordinate officers of his command to be prepared to protect and defend the citizens of your division in the best manner that can be devised, in case of any emergency, while more stable and effectual operations are in preparation. In the meantime, permit me to say to you and, through you, to all officers, citizens and soldiers residing in the exposed section, that, in order to defend the persons and property against the increasing and alarming depredations of this lawless banditti, some well devised concert of action should be immediately organized. If it is deemed necessary, let the Colonel or Colonels of the regiment or regiments, in the exposed section immediately call into requisition such portion of the militia as may serve to keep in check and chastise, if necessary, these abandoned and insolent savages. I presume a sufficient number of volunteers may be procured

for this temporary service, and should therefore be preferred to drafts. Any reasonable expense which may occur will justly devolve upon the Government, and without doubt will be provided for by the Legislature. While preparations are in progress to suppress and exterminate these robbers, let it be remembered that self-preservation, the first law of nature, admonishes every good citizen to take a prompt and efficient part in protecting the lives and property of that community of which he forms a component part. You may be assured of the aid, countenance and support of the Executive.

Very respectfully,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'ry 9th, 1835.

Gen'l John Coffee.

Dear Sir:—From the information which I daily receive from the Cherokee part of Georgia, I entertain but little doubt of the success of the late legislation of Georgia in conformity with my views (in putting grantees in the possession of their land, regardless of Hooper, his injunctions, and feed lawyers), having the most salutary and happy effect. Indeed, I have a growing confidence that the laws can and will be so administered as to ensure a happy termination of our Indian affairs. My impressions will be strengthened by the repeated arrival of Cherokee delegations at Washington, and, whatever may be the form or pretensions set forth in their memorials which have been presented to Congress, yet all go to confirm the fact that the Cherokees, as well as the people of Georgia, are tired of the long controversy. If a general arrangement can be made with the Cherokees, Washington is the place to effect and conclude it. The necessary Indian material is, and will be, there; for you may look for Martin shortly, who will join Ridge and his party. At any rate, I protest against any attempt being made to treat with the Cherokees in their own country, by commissioners who are unfriendly to the Federal and State administrations. Such a step would be most injurious to the friends of the country and Government. We should never condescend to use such instruments as Underwood & Co., while we have plenty of honest and capable men.

You will make a prudent use of this letter, and believe me to be,

Very sincerely, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 31st, 1835.

Hon. Lewis Cass,
Secretary of War.

Sir:—Since writing to you on the 26th inst., on the subject of the lawless and unsufferable depredations which had been committed by a strolling party of the Creek Indians on the citizens of Georgia, &c., I have continued to receive additional evidence of the magnitude of the evils complained of, and also the hostile spirit of these savages. To place you fully in possession of the information which I have received, I herewith enclose you copies of several communications which have been received at this department, *by express*. I trust the evidence now laid before you will be deemed sufficient to authorize prompt and efficient measures on the part of the Federal authorities to relieve the citizens of Georgia from the numerous depredations of this miserable band of ferocious robbers.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 9th, 1835.

Majr. Benj. F. Curry,
Spring Place, Ga.

Sir:—I thank you for the information you have afforded me, by the hand of Mr. McCoy. I have sent for Col. Carter, and shall endeavor to effect the arrangement which you propose in relation to Martin's place; that is, I shall entreat Col. Carter to accommodate Martin, with a view to promote the public interest. I concur with you in the opinion that Martin's presence and influence at Washington can effect much in bringing to a final close our Indian perplexities. Indeed, your general views in relation to our Indian affairs, and the conspicuous men

connected therewith, generally coincide with my own. I was pleased with your letter to the President, and I have just written him on the subject of our Indian affairs, in which I protest against the appointment of the enemies of the administration as Commissioners to adjust and settle our Indian affairs. Indeed, I believe if an arrangement can be made at all, it can be done to greater advantage at Washington than anywhere else, for many obvious reasons which will no doubt occur to you.

I am, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'ry 9th, 1835.

Col. Wm. N. Bishop,
Spring Place, Ga.

Dear Sir:—Yours of the 2d inst. was received this morning, by the hand of Mr. McCoy. You can readily believe that I was highly gratified to learn that so much success has thus far attended your agency and exertions to bring to a satisfactory close our Indian perplexities. I entirely approve of the prompt, energetic, yet mild, course which you have pursued. Indeed, its good effects must now be obvious to the whole country, as the Cherokees are so rapidly changing their tone, and are becoming more and more reconciled to the views and measures of the Government. I thank you for the various items of information contained in your letter in relation to our Indian affairs, some of which were new to me, and will be used with a view to promote the best interest of our State and country. I have sent for Col. Carter, and hope to see him in the course of the day, and shall entreat him to enter into the arrangement proposed, in relation to Martin's place, for I entirely concur with you in believing that his presence at Washington will greatly strengthen the probability of effecting a final arrangement with the Cherokees. I consider Washington the proper place for making the arrangement, for many strong and obvious reasons which might be named, and many of which will no doubt occur to you. Should it be necessary, however, to attempt making a treaty in the Cherokee country, I have and shall continue to protest against the appoint-

ment of Commissioners who are, or have been, opposed to the measures of the Federal or State Governments, in relation to Indian or other matters. I have no confidence in agents of such character; and as to Ross's lawyers being employed in such agencies, I consider the idea most preposterous, and therefore wholly inadmissible. The interest of the State in relation to our Indian affairs has been fully dwelt upon in my communications to Washington. Our Congressmen, as well as the Executive Government of the United States, are, and shall be, kept constantly apprised of my views, and the movements of the Cherokees in Georgia. The present state of affairs is well understood at Washington before now. I hope you will continue to let me hear from you frequently.

I am, sir, with great respect,

Yr. obt servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'y 10th, 1835.

Col. Wm. N. Bishop.

Dear Sir:—I am glad to have it in my power to inform you that our friend Col. Carter, without hesitancy, wrote to Judge Martin, by Mr. McCoy, informing him that he might continue to occupy his place the present year, by paying a reasonable rent, and provided he used his influence to bring our Indian affairs to a final issue, by the removal of the Cherokees. The Colonel also informed me that he should accede to your proposition, in regard to the place occupied by your brother, and should communicate to you accordingly.

Thus, you find we have done all we could here to promote your views, as we consider them connected with the public interest.

Very respectfully,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'y 12th, 1835.

Col. M. St. Clair Clarke,

Washington, D. C.

Sir:—Your letter of the 25th ult., formally accepting the agency tendered to you by me under the authority of

the Legislature of Ga., for prosecuting the claims of the State on the United States, was duly received, and would have been answered sooner but for the consumption of time which we found necessary to comply with your request, in making a full and satisfactory examination of the records of the Executive Department of Georgia, and preparing the documents which you requested. After full examination, and much reflection, on the subject of the claim of the State which you have undertaken to prosecute, as an honest man I find it my duty frankly to state to you that the further I have investigated the subject the more I am inclined to the conclusion that the justice of the claim is more than doubtful.

This impression, however, arises alone from the documents and papers which I herewith enclose to you, and which are taken from the files and records of this department. We have not been able to find the certificate of John Pierce, dated 18th May, 1785, for \$123,283.70, or such entries, papers, instructions, or correspondence upon the subject of this certificate as it appears to me our archives ought to afford. We send you, however, such papers and correspondence as we consider best calculated to throw clear light on this old, and now much obscured, subject, regardless of selfish considerations, wishing only that justice may appertain between the State and Federal Government. But for the letters of Mr. Baldwin, copies of which I send you, I should most fully concur with you in believing this claim a just and valid one. I cannot, under all the circumstances, however, comprehend how Mr. Baldwin, in 1806, could arrive at the conclusions which he did in his letter to Governor Milledge of that date, if a fair and full settlement had not been made with the State for her advances made for Revolutionary services, &c. As soon as you can afford the time, please favor me with your views in regard to Mr. Baldwin's letter to the Executive of Georgia, and any further impressions which you may entertain in regard to this subject. I regret the delay in forwarding these papers, but it has been unavoidable.

With great respect,

Yr. most obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 14th, 1835.

Hon. Lewis Cass,
Secretary of War.

Sir:—I have had the honor to receive your letter of the 7th inst., in which you request that I will designate some State officer to whose charge the balance of the appropriation of \$250,000 shall be intrusted, and that measures shall be taken to remit the same on the reception of my order. I therefore designate Henry W. Malone, Cashier of the Central Bank of Georgia, at this place, as the proper officer to receive said amount of money, to be placed to the credit of the Governor of the State of Georgia, and his successors in office, for the purposes intended by the acts of Congress in relation to the same; and you will please to consider this my order in compliance with your suggestion. I have to request that such views and instructions as the President may deem necessary may accompany the papers connected with this subject, when forwarded to this department.

I am, sir, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 18th, 1835.

Hon. John Forsyth,
Washington, D. C.

Dear Sir:—I have received yours of the 10th inst., and herewith enclose you a newspaper which contains the late act of the Legislature to which your letters refer, from which you will perceive that, so far as the execution of the law depends on the Executive, but little executive discretion is confided to me over the subject pointed out in your letter.

Permit me, however, to assure the President, through you, that I have taken great pains to prevent any just complaint growing out of the execution of the law. Moreover, broad as the law may appear to those who are uninformed in regard to the extent of its operations, I assure you that it will interfere with the interest of but very few of the Cherokees. Its chief object and bearing is on

Ross and a few of his co-workers and white allies, who were reservers under former treaties.

Every indulgence and lenity has been, and will be, extended by our citizens to Martin and others on whom the law might be brought to bear, and who are believed to be honestly disposed to bring to a close our Indian controversies, and prevent further litigation. Every proper indulgence will be extended to those who duly respect the authority of the State.

With great respect, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'ry 17. 1835.

P. C. Gieu, Esq.

Sir:—Your remarks, contained in your papers of the 12th and 13th inst., upon the notice which issued from this department in relation to the postponement of the distribution of the Academy and Poor School Funds, calls for some explanation, both on account of your repeated notices of the subject and the evident misapprehensions under which you are laboring in regard to the subject. Nothing unkind is intended, when I assure you that your *zeal* in this matter has carried you *beyond your information*.

The Executive order which has been the subject of your several comments was intended merely as a notice that the funds specifically set apart by law for the support of academies and poor schools (being chiefly derived from the profits on bank stocks, as set forth in your paper of the 13th), had not, at this time, amounted to a sufficient sum to justify the usual annual dividend applied to these schools. The amount of this distribution depends in a very small degree on the will of the Executive, or his judgment and discretion.

The Executive is simply the organ of the Government, to declare the dividend, and pay the distributive share to each county; nor has he the power to make it one dollar more or less. Moreover, the law for the distribution of the Poor School Fund seems not to have been left to Executive discretion the time when these dividends should be declared, inasmuch as it provides that the dividend is to be declared when it amounts to the sum of \$20,000. In regard to academies, the law is silent in regard to the amount which shall be necessary for a distri-

bution. But it has been the uniform practice of all my predecessors, as well as myself, never to declare a distribution of these funds except when the amount was \$20,000, or nearly approached to that sum.

Under the act of the Legislature, passed in 1822, the first distribution took place in March, 1823, since which time an apportionment has been made every year, except the years 1827 and 1829. Finding from experience that the investments made by law for the support of these schools and academies were somewhat precarious, depending, as it does, entirely upon the profits of those investments, and being fully impressed with a sense of the evils which you seem so deeply to deplore, you will find at the annual session of the Legislature in 1833, I made it the subject of a special communication to the General Assembly, and urged the necessity of a legislative remedy—which, however, passed unheeded. For three years past an annual dividend has been made amongst the several counties of this State, of the Academy and Poor School Funds. The amount distributed from each fund has been about \$20,000 a year. At the beginning of the last year I found the amount which had accrued upon the school funds was insufficient to make the usual annual distribution. It was therefore postponed until May last (1834), when we were able to distribute the usual amount, having received the first half year's profit on the vested school funds; consequently these funds could not reasonably have been expected by this time to have yielded the amount of the usual annual distribution. And the object of the Executive notice which has given you so much trouble was intended to notify the public of the facts. It may be proper to remark that the tax on peddlers and other contingent incomes which by law was added to the Poor School Fund, has, from recent legislation, become wholly unavailable in keeping up the former amount of this fund.

Believing you unwilling intentionally to mystify a plain subject to the injury of any man, public or private, I have been induced to make you this communication, affording you the means of re-examining and comparing your public articles with this plain statement of facts.

Very respectfully, I am, sir,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 19th, 1835.

Major Gen'l Daniel McDougald,
Columbus, Ga.

Sir:—I have just received a communication from the Secretary of War, in reply to my communications to that department, on the subject of the depredations of the Creek Indians on our citizens, as heretofore communicated to you by me. The President of the United States concurs with me in believing that he has no power over the Indians living within the States which have extended their jurisdiction over them; but he is nevertheless disposed to afford every aid and protection to the citizens of the States which may be in his power. Therefore, orders have been given by the Secretary of War to the commanding officer of the two companies of the United States troops in the Cherokee Nation to proceed to Columbus, in Georgia, there to receive and carry into effect any instructions which I might give for the support of the civil authority, and for the purpose of enabling the proper officers of the State to prevent these depredations, and to secure the offenders. The commanding officer of these companies has been directed by the Secretary of War to report himself to me, immediately on his arrival at Columbus.

But, in order to save time and expense, I have thought proper at once to give you such instructions as I deem best calculated to meet and dispose of the present state of things. As before stated, I fully concur with the President that he has no power over the Indians in the States which have extended their laws and jurisdiction over them, and therefore fully appreciate his good intentions in placing these troops at my disposal. But I was wholly unprepared to anticipate the course which has been taken; nor have I made any communication to the War Department, requesting this kind of aid to the State. My communications to the War Department have set forth the complaints of our citizens against the Creek Indians, as they exist; and I have urged upon the Federal authorities the duty of taking care of and controlling their own Indians, to wit: the Creeks who reside on the territory of the United States; but it seems that whatever is done in this matter is to be done by State authority, and you are apprised that my official authority does not extend beyond

the limits of our own State line. Moreover, we need no assistance from the United States to punish these vagabond Creeks within our own borders. If we cannot apprehend them and bring them to punishment before the civil authorities of the State, we must treat them as outlaws and robbers, and make short work of the matter. I had supposed that the United States might use their own troops to keep these Indians within their own limits, and in that way relieve our citizens from further annoyance and injury, and that these troops might be useful in apprehending such Creeks as may have been guilty of crimes in Georgia, and thus aid in bringing the guilty to legal punishment—provided our citizens may be able to identify such. But I have no use for these soldiers in Georgia, nor have I any right to direct their operations in the State of Alabama on the soil of the United States. I have for some days been anxiously expecting to hear further from our citizens of the exposed counties, when I have expected to learn that these Indian depredators had fled from Georgia, and passed over into the State of Alabama—indeed, I have verbal information from travelers to that effect. Fully appreciating the good intentions of the Federal authorities in this matter, I feel bound and disposed to treat the public authorities, as well as the officers and men intended to be placed under my authority, with every mark of respect and politeness; but I cannot, under the circumstances which I have explained to you, accept of the honor proposed, and therefore have to request the favor of you to communicate these my views to the commanding officer of these troops, as soon after his arrival at Columbus as may suit your convenience. You will also please to inform that officer that I shall immediately inform the Secretary of War of my determination in regard to this matter, and request that his immediate orders may be given to the commanding officer at Columbus.

I have the honor to be, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 19th, 1835.

Hon. Lewis Cass,

Secretary of War.

Sir:—I have had the honor to receive your letter of the 11th inst.

I most fully concur with the President in the opinion so often expressed by him that he has no power over the Indians being within the States which have extended their jurisdiction over them, and fully appreciate his desire to protect the citizens of Georgia from the annoyance and depredations of the Creek Indians, which has so often been a subject of complaint. Moreover, I duly appreciate the good intentions which have induced you to order the commanding officers of the two companies of the United States troops in the Cherokee Nation to proceed to Columbus, in Georgia, there to receive and carry into effect any instructions I may give for the support of the civil authority, &c. Nevertheless, under the actual existing state of things at this time, I have no use for the troops thus kindly placed at my disposal. Had these troops been at Columbus, at the time the depredations complained of were committed on the citizens of Georgia, they might have been used efficiently and to great advantage in apprehending these Indians; but at this time I have reason to believe that most, if not all, of these Indians have recrossed the Georgia line, and are now in the State of Alabama, and what is more to be deplored is that we have not the means of identifying the guilty in but very few instances. The object of my communications heretofore made to you on this subject has been to urge upon the Federal authorities to take care of the Indians supposed to be in some degree under Federal control and influence, and, if practicable, to restrict them to their own bounds, and the soil of the United States Government. If this cannot be done by Federal authority, it is obvious that the action of the authorities of Georgia must be confined to the limits of the State, and that I have no use for troops in Georgia at present. I have already adopted temporary measures, to be resorted to for the protection of our exposed citizens; and, if these strolling Creeks continue to annoy the citizens of Georgia, I perceive that we must take care of ourselves, and they must abide the consequences for their crimes. Permit me, sir, however, to repeat the assurance of my confidence in the disposition of the President and yourself to afford every relief in your power to the exposed citizens of Georgia, and to suggest the expediency of the companies which you have ordered to Columbus remaining in the neighborhood, for a short time at least, subject to my instructions, in the event of any occurrence which may demand their services. Should these Indians again disturb the repose of

the citizens of Georgia, in the course of the approaching spring, these troops, being in the vicinity, might be used efficiently, and without loss of time, in apprehending the guilty. Moreover, if we can identify those who have already committed crimes, the troops might be useful in apprehending and bringing to justice these fugitives, now supposed to be in the State of Alabama.

Through Maj. Gen'l Daniel McDougald, who resides at Columbus, in Georgia, the officer commanding the United States troops will be requested to await your further orders in that neighborhood. At the same time, receive the necessary explanations, and be assured of the respectful consideration of the authorities of Georgia.

I have the honor to be, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'ry 23d, 1835.

Col. H. R. Ward.

Sir:—Being apprised that you are about to leave this place for the southwestern border of Georgia, and your being aware of the various and contradictory reports which have reached this department, in regard to the intrusions and depredations of the Creek Indians on our sparsely settled population in the Counties of Lee, Stewart, &c., I very gladly avail myself of the opportunity of procuring your services to the State, in taking upon yourself the duty and trouble of procuring and communicating to this department all such information as may enable me to take a just view of the subject and form a correct opinion in regard to the measures which may be proper for me to adopt, in order to relieve our citizens of this exposed section of the State from further annoyance from these strolling savages, of whose depredations they have so often complained.

First. I would desire to be informed whether the Indians complained of consist of those who have been in the habit of coming over into Georgia for the purpose of drinking or trading with our white population; or whether they are of that class of Indians who have but little intercourse with the whites, and who depend on hunting, and other savage pursuits, to procure subsistence?

Second. I would desire to know whether the Indians complained of are chiefly such as remain for a considerable length of time in Georgia, under the pretence of hunting, &c., or whether they are composed of those who come over to trade, &c., with our population?

Third. What has been the largest number of these Creeks known to have taken up camp in Georgia, with a view of remaining a considerable time, at any one place; and how far they have advanced into the State for that purpose?

Fourth. What amount of property have these Indians taken, destroyed, or carried away from our citizens; and from whom?

Fifth. What personal injuries have they committed on our citizens, such as murders, wounding, &c.?

Sixth. Have the Indians at this time all left the State; or are there any at present believed to be encamped on our territory? If yea, where?

Seventh. Do our citizens encourage the Indians to come over and trade, or not? And would they desire a strict enforcement of the statute of the State, passed some years ago, to prevent their intercourse with the citizens of our State?

Eighth. After obtaining all the information you can on the subject, will you please to communicate to me your opinion in regard to the necessity of military force to restrain these Indians from further depredations. If you should deem military force necessary, please to define the manner and places when this force can be employed to most advantage. If you should come to the conclusion that the evils complained of can be suppressed by a rigid enforcement of our existing laws, and a faithful co-operation on the part of the Creek Agent of the United States, now residing in the Creek country, aided, as he probably will be, by the Creek chiefs, I should like for you to communicate that opinion to me. If the Indians who have committed crime can be identified, so as to authorize a demand of the guilty being made, I am desirous that it should be done without delay.

You perceive, sir, my object is correct and general information on the subject, and I shall anxiously await your report.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 27th, 1835.

Hon. Lewis Cass,
Secretary of War.

Sir:—I herewith enclose you a copy of a letter received this morning from Maj'r Gen'l Daniel McDougald, of Columbus, Ga., which coincides with my views on the subject of the Creek Indians, upon which it is written.

I regret the necessity of so often troubling you on the subject of our Indian embarrassments, but I consider it my duty to keep you constantly advised upon a subject of so much importance to the country, and upon which our constituents feel so deep an interest.

I have the honor to be, with great respect,

Yr. obt. servt..

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, 27 Feb'ry, 1835.

Major General Dan'l McDougald,
Columbus, Ga.

Sir:—I have had the honor to receive your favor of the 21st, and fully coincide with the views which you have submitted in relation to the Creek Indians, and shall, without delay, forward a copy of your letter to Washington, to be laid before the President of the United States, which will no doubt be useful at this moment, and greatly strengthen the communications heretofore made by me on this subject. We shall never be wholly exempt from the annoyance of the Indian population, so long as a remnant remains in the States.

You have doubtless discovered, from my communications to you on the subject of the depredations of the Creeks, that I have been at a loss to determine on a definite course of measures to meet the present state of things. This, sir, has arisen from the fact that the information received at this department has been so vague and con-

tradiictory that I have really been at a loss to form a decided opinion in regard to the prospects before us relative to these Creek Indians.

Moreover, I am, and have been, embarrassed by reason of the anomalous situation in which these Indians are, and have been placed.

It is difficult to determine to what government they are accountable. The President denies the jurisdiction of the Federal Government over them. The State governments are restricted to their own limits, and the Indians seem to consider themselves vagabonds and outcasts, without law, and without rule, or guide.

From your contiguity to the scenes of complaint, you are, no doubt, able to form a more correct opinion as to the most expedient measures than any one at a distance. I shall, therefore, consider it a public favor if you will keep me fully any freely advised of your views, in regard to the best measures which can be devised by me to meet such exigencies as may occur.

In order to obtain correct information from the exposed counties, I have sent my Aide-de-Camp, Col. Ward, to that section, with instructions, in detail, to procure and forward correct information to this department. In the meantime, I should like for the United States troops (if they arrive) to continue in the vicinity of Columbus until I hear from Col. Ward.

While I am disposed carefully to protect the persons and property of our exposed citizens, I do not like the idea of any unnecessary parade over small matters. I have thought that a faithful execution of the existing laws of the State, to prevent the intrusion of the Creek Indians, might probably put a stop to further depredations, until they can be removed to the West. I am fully assured of the President's earnest anxiety to remove the whole of the remnant tribes from the States with all practicable dispatch: but, like myself, he encounters opposition at every step, and every attempt to promote the public interest is embarrassed with opposition.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 6, 1835.

Henry W. Malone, Esq.

Dear Sir:—Your letter informing me that the present state of your health renders it altogether impracticable for you to continue to discharge the duties of the office of Cashier of the Central Bank has been received.

Considerations connected with the public interest induced me to feel a deep interest in your continuance in office to the close of my administration, at least; but the dispensation which creates this vacancy in the public service demands from us a spirit of calm submission. Without a spirit of irreverence to Divine dispensations, I may, however, be permitted to say your loss from the public service will be deeply felt by all that portion of your fellow citizens who are connected with you in the public service, as well as by a large portion of the community who have so long witnessed your unwavering fidelity and integrity of character, in the discharge of every duty, private and public.

The highest earthly reward of a well-spent life is the approbation of the generation for whose benefit our lives have been spent; this may well be your present consolation. And I trust, my dear sir, a more desirable reward and inheritance awaits you.

I am, very sincerely,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 14th, 1835.

Hon. Lewis Cass.

Sir:—I have had the honor to receive your letter of the 2d inst. The papers in relation to the claims of the citizens of Georgia, confided to the care of Col. Foster, have not yet been received, but, when received, shall be duly acknowledged.

The copy of the letter of the 2d Auditor, which accompanied yours, showing the amount which has been heretofore remitted to my predecessors, for the purpose of be-

ing applied to these claims, as well as the balance which has been remitted by the Secretary of the Treasury to Henry W. Malone, Esq., Cashier of the Central Bank of Georgia, at this place, corresponds with the records of this department, and is therefore satisfactory; and Mr. Malone has received the necessary check for the amount now due.

The President having confided the adjustment and settlement of these claims to my discretion and judgment, you will please assure him that a sufficient portion of my personal attention shall be devoted to the subject to ensure the ends of justice, as contemplated by the act of Congress which must be my guide. It will be indispensable, however, for me to procure the assistance of a competent and well qualified individual of character to assist in the investigation and adjustment of these claims, as no such individual is officially attached to this department who can spare the time from other official duties.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 14th, 1835.

Hon. L. Cass,

Secretary of War.

Sir:—I have had the honor to receive your letter of the 28th ult., informing me you had given orders for the two companies of the United States troops ordered to Columbus, Ga. to be stationed for the present at Fort Mitchell. I approve of this arrangement, as I entertain no doubt of its having a favorable effect on the conduct of the Creek Indians, if we should find no active service for them.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, 16th March, 1835.

Rev. E. Sinclair.

Sir:—Having been apprised of your willingness to accept the appointment of Commissioner to receive and apply the fund appropriated by the General Assembly for the education of the deaf mutes in this State, I take pleasure in presenting you herewith the order of your appointment, together with a copy of the resolutions of the Legislature under which it is made. I also present you with on Public Education and Free Schools, in relation to the subject, which was adopted by the late Legislature, and which contains much valuable information that may aid you in the performance of the duties connected with your agency. You will, as the occasion may require, draw from the Treasury, by warrant from this department, such sums as may be found necessary to effect the object confided to your superintendence.

I am, sir,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 16th, 1835.

Hon. Lewis Cass,

Secretary of War.

Sir:—I have this day received the trunk of papers, confided to the care of Col. Foster, on the subject of the claims of the citizens of Georgia, under the Creek Treaty of 1821. As soon as the papers referred to shall be compared with the schedule furnished by Peter Hagner, Esq., Third Auditor, a formal acknowledgment shall be made to that officer.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 17, 1835

John A. Cuthbert, Esq.

Sir:—The President of the United States having thought proper to commit to my judgment and discretion the final adjustment of the claims of the citizens of Georgia, provided for by act of Congress of the 30th of June, 1834, to carry into effect the Fourth Article of the Treaty of the 8th of January, 1821, with the Creek Indians: In order, therefore, to carry effect the provisions of the act and Treaty referred to, which is so deeply interesting to many of the citizens of Georgia, after due consideration, I have deemed it indispensably necessary to confide the most laborious and important part of this business to some individual who may be highly qualified for this complicated and difficult, yet interesting, duty—of investigating these claims upon principles of justice and impartiality, duly regarding the provisions of the law under which the claims are to be adjusted; and have, therefore, this day appointed you Commissioner for that purpose, and you will herewith receive the order of your appointment. You will also receive from my secretary, Mr. Greene, a trunk of papers, transmitted to this Department from the Executive Department of the Federal Government at Washington; also all such records and documents as the archives of this Department will afford, and which may be calculated, in connection with the papers received from Washington, to put you in possession of every important fact connected with these claims. You are apprised of the public notice which I have caused to be given to claimants of the arrangements now in progress for the final adjustment of their claims, with a request that all further claims which have not heretofore been presented should be laid before this Department without delay. When we take into view all the circumstances under which these claims have originated, and the procrastination and obstructions which have heretofore been placed in the way of every attempt at a final adjustment, we ought not to be surprised at any derangement or confusion which may obscure many of these claims, in the form of their presentation. Therefore, while some settled rule of presentation and testimony may be necessary to secure the ends of justice and impartiality, I nevertheless deem it necessary and expedient to exercise a patient attention to every description of claims contemplated under the late act of Congress, and to receive and examine

the best testimony which the nature of the case will admit of, when properly taken by affidavits before a competent civil officer. I shall expect you to keep a fair and satisfactory record of your proceedings and decisions, and report the same to me for my approval, before the claims are paid. Every thing which can be done to expedite this business is very desirable indeed—especially when we take into consideration the long delay which has hitherto attended their prosecution, the frequent disappointments which the claimants have encountered, and, finally, that none can receive their dues until the whole are adjusted. I consider it my duty not only to afford you all the facilities of the records and files of this Department, but at all times it will afford me pleasure to confer with you freely and fully upon all matters connected with the prosecution of your agency. Therefore, anything of importance which may have been omitted in this hasty communication can at any time be supplied in personal interviews, or by writing, as you may think best.

A suitable and adequate compensation for your services may, without doubt, be expected, the payment of which will necessarily and properly devolve on the Federal Government. But I am not authorized to say what the precise amount of that compensation will be, relying, however, that it will be proportionate to the importance and advancement of your labors.

I am, sir, with great respect,

Yr. Obt. Servt.,

WILSON LUMPKIN.

Executive Department Headquarters,
Milledgeville, Ga., March 21st., 1835.

Lieut. E. Phillips, Fourth Infantry,

Fort Mitchell, Alabama.

Sir:—I have received yours of the 18th inst., reporting to me your arrival at Columbus, in command of two companies of the United States troops, in obedience to the orders of the Adjutant General of the United States, and that you now await my instructions, etc. Such orders and instructions as may be deemed expedient you will receive through Maj. Gen. D. McDougald, of Columbus, whom I have selected to carry into effect my views, etc.

Very respectfully, sir, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 21st., 1835.

Maj. Gen. Daniel McDougald,
Columbus, Ga.

Sir:—I have had the honor to receive your favor of the 17th inst. The same mail reported to me the arrival at Columbus of Lieut. E. Phillips, in command of two companies of United States troops who are now awaiting my instructions or commands at Fort Mitchell. After due reflection, I have deemed it most expedient to notify Lieut. Phillips that he would receive through you such orders and instructions as may be deemed proper; and herewith enclose for your inspection my communication to him, which you will please to transmit to him.

You will, therefore, perceive that I have confided to your judgment and discretion all the authority which I have a right to exercise in the command and use of these troops, to prevent further depredations being committed upon our citizens by the Creek Indians complained of. The place of your residence and contiguity to the scene of complaint I trust will be a sufficient justification for my desiring to place this duty upon you. My general views coincide with those submitted in your letter.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 23d, 1835.

To Messrs. Tomlinson Fort, Richard K. Hines and Robert McComb, President and Directors of the Central Bank of Georgia.

Gentlemen:—Justice to myself, and to prevent misapprehension on the part of others, induce me to lay before you, in writing, my views in connection with the subject of filling the vacancy of Cashier of the Central Bank, occasioned by the resignation of Mr. Malone.

By law, the duty of filling said vacancy devolves on you, and I, therefore, disclaim all right of dictating to you in making the appointment. It may not, however, be improper for me to remark that the official relation in which you stand to myself in connection with this subject makes me responsible to my constituents for your official act, and I, therefore, take the liberty of suggesting to you my views,

without reserve. As I have stated to you in conversation, I now repeat: That I have no name to offer, or individual to recommend. Our first and only consideration should be to secure the public interest, and thereby secure the public confidence and approbation.

Since this vacancy occurred, much has already transpired to impress my mind with the great difficulty which you have to encounter in a faithful discharge of the duty which now devolves on you.

If the choice is to be made from amongst the applicants who reside in this town, permit me to say my personal feelings are kind towards them all, and that, from all the circumstances and investigations which have come under my own notice since their names have been before you, I have no advice to offer. I leave you to choose upon your responsibility and shall acquiesce in your choice.

But I will not conceal from you the conviction which rests upon my mind that, if you can make as good a selection of an individual who resides at a distance, wholly disconnected with the officeholders and officeseekers who are always found at the seat of Government, it would, in my judgment, be most advantageous and satisfactory to the public.

I am, gentlemen, very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 24th, 1835.

Col. H. R. Ward,

Starkville, Lee County.

Sir:—Your communication of the 14th inst., as well as your two previous letters, all on the subject of our Creek affairs, have been duly received at this Department, and add much to our stock of information on the subject. Having but little time to write at present, suffice it to say that two companies of United States troops have arrived at Columbus, and are at this time at Fort Mitchell, ready to obey any instructions or orders I may think proper to give. I have opened a correspondence with Gen. McDougald on the subject of using these troops, and instructed the officer in command to obey any orders he may receive from Gen. McDougald. Previous to the reception of your report, I was at a loss for such information as would authorize me to determine on any definite plan, and have, therefore, for

the present, left the matter to the judgment and discretion of Gen. McDougald. When you arrive here, we will consult further on this subject, and, in the meantime, I shall reflect on its various bearings in relation to this matter; for to the present moment the editors of the Georgia Journal, and those who support that print, cast ridicule upon the complaints of our citizens in regard to Indian depredations.

Respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department,
Milledgeville, April 2d., 1835.

Maj. Gen. D. McDougald,
Columbus, Ga.

Sir:—I have received a communication from the Secretary of War, informing me that the commanding officer of the United States troops now at Fort Mitchell has been directed to march into the Cherokee country, whenever I may inform him that the services of said troops are no longer necessary where they now are.

It is deemed important that these troops should be stationed at present amongst the Cherokees, and, believing as I do that we can without much inconvenience dispense with their services at present, I have to request that you will immediately notify the commanding officer that he may forthwith consider himself relieved from any instructions heretofore emanating from this Department, and proceed to execute the instructions of the War Department.

I am, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, April 3, 1835.

Hon Lewis Cass,
Secretary of War.

Sir:—I have had the honor to receive your letter of the 23d ult., and have notified the officer in command of the United States troops at Fort Mitchell that the services of these troops can be now dispensed with in that quarter, and that any instructions emanating from you for their removal can be obeyed, without conflicting with my views.

Very respectfully, your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, April 18th, 1835.

Jno. A. Cuthbert, Esq.,

Intendant of Milledgeville.

Dear Sir:—Since my confinement by indisposition, I am informed that it has been well ascertained that a case of *smallpox* has occurred in the center of this town, under circumstances which give just cause to apprehend that the alarming and infectious disease must be expected to extend and spread its desolating effects. At first I felt some relief from the confidence I entertained in the vigilance and intelligence of the police officers, physicians and citizens of the town, not doubting but prompt and efficient measures would be devised and resorted to to avert, as far as possible, the apprehended evils of this most alarming disease. But while I am still confined to my room I daily hear the complaints of the community that no other measure, except a resort to vaccination, seems to be deemed necessary at present.

Moreover, it is stated that no restraint in regard to intercourse with the afflicted patient, except it be the *mere discretion* of the thoughtless multitude, is imposed upon the community.

Under these circumstances, I address you, officially, urging upon your consideration and that of our fellow citizens generally the deep and vital importance of the subject, and trust that joint consideration and counsel may result in the best measures of security of which the nature of the case admits. The state of my health forbids my leaving my room, but, as far as may be practicable, both as a citizen and as the Executive of the State, I feel myself in duty bound to give every aid in my power to avert the desolating effects of so great and impending an evil as I consider that of an extensive inoculation of this alarming disease.

Respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, April 25th., 1835.

Wm. G. Springer.

Dear Sir:—I have just read your favor of the 10th inst. with much interest. Your general views in relation to our Indian affairs fully coincide with my own. I doubt whether

the very liberal terms proposed to the Cherokees in the late Treaty will be accepted by them. Ross and his feed counsel are not satisfied, because they are not authorized by the Treaty to have the entire control and disposition of the whole of the patrimony of the Cherokee people. A more wicked, selfish and unprincipled combination of men never existed in this or any other country than the faction who is and has been combined to prevent Gen. Jackson and myself from promoting the best interest, both of the whites and Indians, by an amicable and final adjustment of all our Indian perplexities.

The great injustice done to the President, as well as myself, on this subject has received a certain degree of countenance and support from many of our pretended friends, which goes very far toward disgusting me with political men. Posterity, however, will do us both ample justice. The efforts of this feed fraternity may be seen in their tampering with ignorant Grand Jurors and other pliable machinery to procure *false* statements and unsupported denunciations, which are published and sent abroad for effect upon popular opinion.

Public opinion forced a majority of the last Legislature to pass the act which alone at this time prevents Hooper and his lawyers from depopulating our new counties and re-establishing the dominion of Ross and his party. But it is a most surprising fact that this same Legislature has suffered itself, through the majority of a *select committee*, to be placed in the attitude of condemning their own solemn act of legislation, and of puffing and applauding an officer of the Government who had just been most severely rebuked by their own enactments. I have not been furnished with the proceedings of the Committee in the Hooper case—all that I have seen was a paper (which I hastily read) purporting to be the report of a majority of the Committee, which may be considered a strong and lawyer-like effort to *whitewash* Hooper at *my expense*. This paper indicates that I had charged Hooper with corruption; and the report several times, in the most emphatic manner, declares the conviction on the minds of the Committee of his innocence and purity. My message will always prove the falsity of this report, for nothing in that message charges Hooper with corruption—indeed, at the time it was written I did not intend to charge him with corruption. I thought him imbecile and arrogant, and under the influence of artful, designing and bad men, and felt it to be my imperative duty, as Chief Magistrate

of the State, to lay the matter fairly and fully before the representatives of the people, and recommend such measures as might be best calculated to restrain the Judge in his assumptions. The majority of the Legislature fully sustained my views by their act in relation to the Indian subject, yet a majority of the Committee of that body have, since the adjournment, thrown their whole weight into the scale of the Ross faction, in a fruitless attempt to sustain Judge Hooper. By reference to the evidence published by the Committee, no person acquainted with all the circumstances can place any confidence in the proceedings of this Committee. In regard to myself, I know, and could prove before a court and jury, that they have done me injustice, by an act of mutilation, which I consider inexcusable.

I use strong language, and, therefore, feel it my duty to give the proof. On page 128 of the printed document sent abroad by this Committee you will find what purports to be the interrogatories proposed to be exhibited to Wilson Lumpkin, as a witness in the case then before the Committee. This showing, as it stands in the document referred to, is a gross perversion of truth and fairness, and places me in an attitude of arrogance, if not sensitive petulance, altogether unbecoming the office which I hold. At the same time, the insulting insolence of Judge Hooper and his counsel to the Chief Magistrate of the State has been cautiously withheld from the public, thereby misleading the public mind and laying the foundation for the false and slanderous denunciations which have since been procured from a few ignorant and pliant majorities of Grand Juries. Instead of placing the matter in its true light, by making me appear on the defensive side of the question, as has truly been the case all the way through, this Committee, throughout, endeavors to place me in the position of aggressor, and of making war on the Judge. Will not every honest, sensible man, who may chance to read this document, emanating from a Committee of the Legislature, be surprised when he is informed that this Committee, instead of giving to the public the eight insulting and accusatory interrogatories propounded to me in writing and signed John W. Hooper, and upon which my communication to the Committee was predicated, actually withheld from the public the whole of these interrogatories, except the *fifth* and a part of the first (which were the least offensive or exceptionable), and numbered them one and two, and placed them in ordinary form? Here follows a copy of the interrogatories actually served on me, and signed

John W. Hooper, the original of which is now in my possession:

Interrogatories to be exhibited to Wilson Lumpkin, in favor of J. W. Hooper.

First. You are desired to state if the charges contained in your annual message against the Judge of the Cherokee Circuit are derived from facts resting within your own knowledge or from information or heresay; if the latter, state from whom, and annex sworn copies of all these letters in your possession on that subject?

Second. Were any of these letters written by Col. Hargrove, Wm. N. Bishop, or W. G. Springer? If yea, annex sworn copies of all these letters to your answers.

Third. State particularly to what extent you have, directly or indirectly, counseled, advised or aided, by writing or otherwise, a disregard of the bill of injunction in the Indian cases, and with whom you have corresponded in reference to this subject, and furnish sworn copies of such correspondence.

Fourth. Have you in your possession, or under your control, any written information concerning Judge Hooper, participating in the fee of the counsel for the Indians, other than is contained in the letter of C. D. Terhune? If yea, state what information at large.

Fifth. State all the facts resting in your knowledge in support of your charges against the Judge of the Cherokee Circuit, contained in your annual message.

Sixth. Do you know any thing of a meeting got up at Buffington's concerning Judge Hooper, at which the petition against him was framed? If yea, state what part you took in getting up that meeting.

Seventh. Were the letters of Mr. Cuthbert, respecting the decision of the Judge at Cass Court and of the conversation, in your possession and before you when you wrote your annual message?

Eighth. Are you conversant with the practice of the courts of equity in granting injunction? If yea, state if bills of injunction are not always granted on the statement of the complainants on oath, and whether such a course in any way impairs the trial by jury?

After the Committee were informed that I considered the foregoing interrogatories in the light of a direct and personal insult offered to me while seated on the Executive chair, by Hooper and his advisers, and that I was determined to treat all such insults with merited contempt, one of the

members of that Committee then informed me that the Committee would order the whole of the interrogatories to be stricken out, except that part which they have ordered to be printed. But this information only served to confirm me in the opinion first formed: that the dignity of this Department should not be prostrated at the feet of insolence and assumption.

It was obviously the design of Hooper and his advisers, by these insulting and indecorous interrogatories, to degrade and bring into public contempt both the Executive and Legislative Departments of the Government. These accusatory interrogatories (which the Committee have carefully withheld from the public view) amount to nothing more nor less than the most degrading charges against me, and I am called upon by Hooper and his counsel to purge myself from guilt by my own oath, before a Committee of the Legislature.

This proceeding was clearly intended to turn away the public indignation from the object of its just censure, and criminate the Executive for a faithful discharge of constitutional duty, in communicating to the General Assembly the improper conduct of Judge Hooper. But I forbear to dwell further on this subject, the investigation of which has already revealed enormities in the human character which could never have been suspected in the absence of conclusive evidence.

Whether the Cherokees accept the late Treaty, or otherwise, is now a matter of comparatively small importance to Georgia. The great battle upon this subject has been fought and won, and, whatever may be the issue, I rely upon the records of the country to do me justice in regard to the part I have acted in the matter. Who was the first member of Congress that introduced the direct proposition for the removal of the Indians west of the Mississippi? Who was the first Governor of Georgia that ventured to recommend to the Legislature sovereign action in regard to the Indians within the limits of the State and the territory claimed by them? On whom was the responsibility of surveying the Cherokee territory, without a Treaty, thrown by the Legislature of Georgia? And how was the responsibility met? On whom was the responsibility of proceeding with the lottery, and granting the lands, thrown by the Legislature? And how has that responsibility been met? On whom devolved the responsibility of exposing a miserable faction, combined to overturn the laws of the State in the new counties, and how has that responsibility been met and discharged? Sir,

I leave the records of the Executive and Legislative Departments of the Government to answer these questions.

After four years' successful labor, by day and night, at home and abroad, to the almost entire neglect of my own private affairs, I see myself daily and hourly slandered, reviled, and misrepresented, in every form which perverted talents and ingenuity can possibly devise, in regard to the deeply interesting matters connected with our Indian relations. But, sir, I am generally placed by the side of my co-worker, Andrew Jackson, which, if I possessed the humility of Mr. Van Buren, I might perhaps consider glory enough for me. By nature, I am averse to strife and personal litigation, and have never had any but what has grown out of public duty. But I never could have sustained the interest of the State in carrying into effect the Indian policy which I have long since marked out, if I had cowered before the selfish and daring enemies who have combined together for the purpose of perpetuating the Indians on the soil of Georgia, rather than see Jackson and Lumpkin the efficient agents in relieving the people from this long standing and complicated evil.

I am, sir, very sincerely, yr, obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 4th, 1835.

To Eli S. Shorter, J. P. H. Campbell, and Alfred Iverson,
Esqrs.

Gentlemen:—I have had the honor to receive your communication of the 1st inst., accompanied by a copy of the proceedings of a meeting of the citizens of Columbus, on the subject of the unpleasant state of affairs which now exist between the citizens of Georgia and Alabama and the Creek Indians.

Before I commence a reply to your address, it is proper for me to state that the proceedings of the meeting in Columbus, as well as your address to me, is well calculated to produce a mistaken impression upon the public mind, so far as the Executive of Georgia is connected with the subject. These papers indicate that the complaints set forth have not yet attracted the attention of the Executive of Georgia. If this be the impression, I have to regret the misapprehension. I have, for years past, on every fit occasion, pressed this

subject upon the consideration of the authorities of the Federal Government, which Government alone has the power and ability to bring these Indian perplexities to a final issue. It is true the President of the United States disclaims all right to intermeddle with the Government and jurisdiction of States, in regard to our Indian population, where the States have extended their laws and jurisdiction over these people. And while I most fully concur with the President, in denying the right of the Federal Government to impede or control the State authorities in any manner whatever in relation to the government of these unfortunate people, I have, nevertheless, contended, and still believe, that it is the duty of the Federal Government to co-operate with the States in all just measures which may be calculated to speedily remove the evils of an Indian population from the States. In regard to our own State, it is wholly unnecessary for one, when addressing Georgians, to advert to the strong obligations which rest upon the Federal Government to relieve the State from the long-standing embarrassments and deeply injurious effects of an Indian population.

It has been the settled convictions of my own mind, for years past (although not sustained by the public opinion of the country), that existing circumstances demanded from the Federal Government a radical change of policy in regard to the remnant tribes of the Cherokee and Creek Indians who still remain within the limits of the States. I consider it a perfect *farce* and degrading to the Government of the Union, under existing circumstances, to pretend any longer to consider or treat these unfortunate remnants of a once mighty race as independent nations of people, capable of entering into treaty stipulations *as such*. These conquered and subdued remnants deserve the magnanimous and liberal support and protection of the Government, and should be treated with tender regard, as orphans and minors who are incapable of managing and protecting their own patrimony.

This course of policy, if pursued by the Federal Government, would soon relieve the States from the inquietudes of an Indian population, and settle the Indians in a land of hope where they would be shielded and protected from the enormous and degrading frauds which have been so often perpetrated on these sons of the forest by an avaricious and selfish portion of our white population. Complaints of the intrusions and depredations of the Creek Indians upon the territory and property of the citizens of Georgia are frequently made at this Department, and such as now exist

have run through both terms of my administration of the Government of Georgia, as also that of my two immediate predecessors. During Gov. Forsyth's administration, such complaints became so urgent as to induce the Executive at one time to issue orders for the organization of a military force to repel the intrusions and depredations complained of; but before these orders were carried into effect such information was received at the Executive Department as to induce the Governor to countermand these orders and stay further proceedings. The subject was brought to the consideration of the Legislature following, and a law was passed to prevent Indian intrusions, &c.

Since I entered upon the duties of this Department, the correspondence held upon this subject would make a volume; and I am compelled to say that the contradictory character of the communications which I have received has been such as to leave me at a loss to determine upon any definite course of measures in regard to the subject. An attempt to follow the advice offered the Executive would result in a *monthly* change of measures, at least. Indeed, the same mail often brings me the conflicting statements of individuals equally entitled to the public confidence. Some time ago I opened a correspondence with the Governor of Alabama upon the subject of depredations committed within the limits of Georgia by Creek Indians residing in that State, and apprising him that a demand for the offenders would probably be made. But after using every effort in my power, and sending a special agent to the neighborhood where Powell and others were killed, I have been unable to identify the perpetrators of crime in Georgia, so as to make a demand in terms of the law.

A correspondence of the character which you suggest that the Governor of Georgia should open with the Governor of Alabama is entitled to that consideration which its importance and novelty demands. My present impression is that a tender of the services of Georgia to the authorities of Alabama, before such aid is sought, might justly be considered premature. No man can more sincerely regret the unpleasant and hazardous situation to which many of the good citizens of Georgia and Alabama are exposed under our existing relations with the Indians than myself; and you may rest assured that no lawful and constitutional effort shall be wanting, on my part, to protect and defend the citizens of Georgia.

But I concur with you in believing that "The great body of the Creek nation is not involved in the controversy, but the complaints are urged almost exclusively against two towns." Indians who have sold their lands have spent the money which they had received, and now refuse to emigrate—too indolent to work, they have become robbers and vagabonds. These guilty outlaws ought to be punished; but the peace and security of the unoffending portion of the Indians ought to be scrupulously regarded and protected. The innocent ought not to be punished for the crimes of the guilty. We should, therefore, hesitate and consider well before we resort to measures which may be calculated to produce a state of hostility which would result in the general extermination of this remnant tribe of Indians. I trust that before the necessity of such a course shall arrive—for the extermination of the remnant tribes of Southern Indians—the Government of the United States, in all its departments, as well as the people in every section of the Union, will see the necessity of removing them at once beyond the limits of the State, and plant them in permanent abodes, where the white man will cease from troubling, and where these wasted sons of the forest may be at rest.

I deeply regret the outrages committed in Alabama, as well as Georgia, but beyond the limits of Georgia I can exercise no legal authority. The perilous and unpleasant situation of the new settlers in Alabama is obvious, and might have been anticipated. Nor is it in the power of Government to remedy all the evils complained of. They are necessarily incident to the circumstances in which these citizens are placed.

Under all the circumstances, I do not at present feel myself authorized to organize and station a military force to protect the whole western border of Georgia, three hundred miles in extent, from apprehended Indian depredations. And I verily believe many, very many, other places in Georgia are at this time in more danger from Indian depredations than the vicinity in which you reside. Our citizens are not only exposed, but actually annoyed, by the remnant Indians remaining in our own and adjoining States, on our entire northern and western boundary; and I am decidedly of the opinion that a military force to guard these extensive borders of the State is wholly out of the question. If these people cannot be controlled and punished for their crimes by the civil authorities of the country, we must resort to more efficient and energetic means than that of keeping

up military stations and guards. The perplexing evils with which we are embarrassed can only be removed by the entire *removal* or *extermination* of the Indian race; and I hope and trust that efficient measures for their removal will be speedily resorted to by the Federal Government. In the meantime, we must meet the contingencies of the times as they arise in the best way we can. Until a state of war actually occurs, we must rely upon the civil authority, aided, when necessary, by the military; but we must not hastily familiarize our minds with the idea of superseding the civil authority by that of the military.

I am, gentlemen, with great respect, yr. obt. servt.,
WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 28, 1835.

Col. Wm. N. Bishop,
Spring Place, Murray Co., Ga.

Sir:—I have received your letter of the 15th inst., on the subject of our present relations with the Cherokee Indians, and other matters connected with your official agency. By the same mail I have also received various other communications from respectable citizens of the Cherokee Circuit, coinciding with the views which you have submitted in relation to the organization of a guard for the protection of that portion of the Cherokee population known to be friendly to the Treaty with Ridge, and to the policy and laws of the State.

After the most deliberate consideration, I am forced to the conclusion, under all the existing circumstances connected with the present state of our Indian affairs, that every legal effort should be made at the present time to avert the evils and calamities which seem to be apprehended by you and many others. The only legal discretion confided to the Executive upon this subject is to be found in the resolution of the last Legislature, which authorizes the Governor, "when he may deem the exigency to demand it, to call out such force, under such command, and for the time he may consider necessary, for the security, relief and protection of our own citizens and the friendly Cherokees." I believe the time has arrived that a wise and prudent use of the contemplated force may be made to great advantage; but every thing depends upon a prudent organization and use of such force

—whether for good or evil, will chiefly depend upon a judicious and discreet exercise of the power conferred by the Legislature. Having determined to organize a small force to meet the present exigency, and having determined to tender to you the command of it, I have many suggestions to make to you in connection with the delicate and important trust, which renders it highly necessary that I should see you at the seat of Government as early as practicable, when you will receive your orders and instruction, and make other arrangements for carrying into effect the objects contemplated by the Legislature. As you will be fully advised of my views upon your arrival here, it would seem unnecessary in this communication to enter upon the details of the plans and operations which may be deemed proper for the occasion, yet, as I consider it important that you should have the earliest intimation of my opinions upon this subject, I have thought it might not be amiss thus early to present you with a hasty sketch of the views which I entertain of these important affairs. The object of the contemplated force is “the *security, relief and protection* of our citizens and the friendly Cherokees.” How shall this object of *security, relief and protection* be attained? We shall find that a strict regard to the laws of the country, by affording every aid in our power to secure the ends of civil justice, will most effectually secure, relieve and protect the weak and innocent portion of the community. In determining on the organization of the contemplated force, it has been my earnest desire that we might have no duties to perform which might be considered strictly military. So far as events have yet transpired, we have nothing to justify the belief that the crimes which have been committed in the Cherokee part of Georgia may not be punished by a faithful enforcement of the civil authority of the country. We should, therefore, look to that branch of the Government which the Constitution has provided for the arraignment and punishment of offenders. The inefficiency of the civil authority in that section of the State is chiefly owing to the peculiar circumstances which at this eventful crisis seem to be arrayed against the regular administration of the law, and which tend to favor the escape and rescue of the proper victims of legal punishment. As I understand the views of the Legislature, it will be your duty, with the force at your command, to aid in bringing to justice the violators of the law in the weak and exposed sections of the State in which you will be called to act. The criminals who have heretofore

evaded justice, whether by force or artifice, will, I trust, by your vigilance, be apprehended and brought to condign punishment. The murders, robberies, and thefts which have already been committed in Georgia upon some of our own citizens, as well as some of the friendly Cherokees, should not be overlooked. It should be considered a primary object of the force intended to be organized to apprehend these offenders to the proper civil authorities, to be further dealt with as the law directs. Further, it is represented to me that, through the influence of John Ross and his advisers, many of the natives who are in favor of the late Treaty, as well as some of our white citizens, are believed to be in great danger of personal violence, if not assassination and massacre. Moreover, it is stated that councils and meetings are held by Ross and his adherents, for the purpose of combining and organizing an opposition and influence to prevent the Cherokee people from accepting the liberal terms of the late Treaty, and that many of said Cherokees are actually intimidated from freedom of action, by and on account of the threats and menaces of Ross and his friends. Should the present controversy and excitement amongst the Cherokees result in the murder of Ridge and others, who are honestly and patriotically supporting the best interest of their deluded people, by urging upon them the necessity and advantages of accepting the Treaty, the magnitude of so great an evil could not fail to be felt by the whole nation and would leave a foul blot upon the Government of the Union, as well as that of Georgia. Ridge and his friends have espoused the policy of the Government. They see and feel the unfortunate condition of their people, whose miseries are daily increasing, on account of the obstructions which are thrown in the way of their acceptance of the proposed Treaty. Ridge is a man of enlarged views, one of nature's great men, who looks beyond the present moment and seeks the good of his people with an eye to their posterity. He comprehends the whole subject at issue, in all its various bearings; and, therefore, hazards life and every thing dear to him as a man, to effect a great public object of deep and lasting interest to his native race, the Cherokees. Now, sir, under these circumstances, John Ross and his friends, *whether white or red*, must not be permitted on the soil of Georgia, to commit another outrage upon a single individual who has the right to claim protection from the Government of Georgia. If any outrage is hereafter committed by any who are known to be under the influence of Ross, either

upon Ridge or his friends, or any other citizen of Georgia, Ross should be held personally responsible for such act. If Ross and his party do not obey and respect the laws of the State, or should they be guilty of instigating murders or other outrages within the limits of this State, further forbearance on the part of Georgia towards them would cease to be a virtue. They must be punished for their audacity, or they must abandon the State. Under all the circumstances, these deluded people should not be permitted to remain in Georgia another year. It is the duty of the Federal Government to take them firmly by the hand, and in a kind, but imperative, language, say to them: "My children, you must be preserved from the impending ruin that awaits you. You cannot longer remain where you are. You must go to the homes provided for you. Your national character in your native land is lost, is fled forever; and it is our settled purpose to re-establish, exalt and elevate your character, and restore your condition in the new land of *hope and promise* whither we lead you." These general and hasty suggestions and remarks, without much regard to arrangement, will serve to aid you in comprehending my views, which will more fully be detailed in the orders and instructions which I design hereafter to prepare for your guidance.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 20th, 1835.

Hon. Andrew Jackson, President of the United States,
Washington.

Dear Sir:—I should have written to you some time ago upon the subject of our present Indian relations, but for the expectation of seeing Mr. Forsyth, on his way through this place to Columbus, with whom I had intended to converse freely and fully on this subject, without troubling you with a direct address. But Mr. Forsyth having passed here, without my having an opportunity of seeing him, I have deemed it necessary, without further delay, to apprise you of the present posture of our affairs with the Indians, and also place you in possession of my views in regard to this deeply interesting subject. From the last information I have been able to obtain, I incline to the opinion that John Ross and his associates will have the address and influence to prevent

the majority of the Cherokees from accepting at present the very liberal terms of the Treaty arrangement recently provided at Washington under your direction. A large majority of the people and the public authorities of Georgia, however, are fully satisfied that you and the authorities of the Federal Government have done every thing that ought and could in reason be done to settle this business, and to promote the interest and preserve the lives of this unfortunate remnant of deluded Indians. I have nothing further to ask in behalf of Georgia from the Executive authorities of the Union in the character of treaty proposals to the Cherokees; indeed, I have and do protest against any further efforts to treat with John Ross and his white advisers, by any modification or alteration whatever in the Treaty lately negotiated by Ridge and others at Washington. I have not failed to let these, my views, be known extensively throughout the Cherokee part of Georgia. And I herewith enclose you a paper received this day, signed by many of the most respectable and influential citizens of that section, by which you will perceive that they coincide in opinion with the views which I have herein submitted. It is worse than useless to make any further effort to coax and flatter Ross and his associates; nothing short of bribery and corruption can induce them to come to an amicable adjustment of our Cherokee perplexities, and these are conditions which neither you nor myself can consent to be instrumental in consummating. Any honorable sacrifice in the bounds of reason ought to be made to settle these embarrassing Indian perplexities; but no result can be worse than for the public authorities of the country to sanction and foster the corrupt selfishness of base men. Ross and his friends would be perfectly satisfied with the proposed Treaty, provided they could be entrusted with the disbursement of the consideration money. I have carefully read the Treaty, and was glad to perceive that its liberal provisions secure the interest of every individual attached to the Cherokee people, affording but limited opportunity for the aristocratic leaders of this unfortunate race to defraud them of their national inheritance. This is as it should be; and cannot fail to receive the approbation of every honest man in the whole country. If any thing can induce the Cherokees to accept the Treaty, it is a decisive, unwavering adherence to its provisions as they now stand. If the door is once opened for modifications, Ross and his friends will secure to themselves fortunes at the expense of the common Indians. The Indians, as well as the whites, are tired of the present state of things, and

would, if left to themselves, most gladly embrace the liberal offers of the Government and remove without delay. But there are *white men*, as well as Ross, who oppose the Treaty, because they are not provided for by its stipulations.

Under all the existing circumstances, I take the liberty of suggesting to you the expediency of your causing it to be immediately and distinctly understood by the Cherokees that no modification of the late Treaty whatever may be expected. Should this course fail to produce the desired effects, other measures must then be resorted to, with a view to the adjustment of our perplexities with the Indian population.

The present condition of both Creeks and Cherokees who still remain in the States is most deplorable. Starvation and destruction await them if they remain much longer in their present abodes. Indians cannot live in the midst of a white population and be governed by the same laws. I am truly disgusted when I reflect upon the enormous frauds which have been committed upon the Indians by a small but abandoned and selfish portion of our white population, and I regret to say, under existing laws and circumstances, we are unable to restrain and punish these enormities. On the other hand, very many of our unoffending citizens who have settled amongst these Indians, both in Alabama and Georgia, under the legal sanction of both the State and Federal Governments, are living in a state of constant apprehension. Our white citizens are daily insulted, menaced, and injured by the depredations committed on their stock and property by the perishing, vagabond portion of these savages, many of whom, at this time, have no legal home in the country. Several murders have actually been committed, and the lives of our citizens, in many places, are at the mercy of these reckless and lawless vagabonds. It is true that the laws of Georgia and Alabama have been extended over these Indians, but it is equally true that, in far the greatest number of cases, they cannot be enforced against offenders, for the want of an adequate white population; and because, in nine cases out of ten, the offending Indian cannot be identified. The daily strifes which now exist, and which are increasing between these Indians and the citizens of Georgia and Alabama, must continue, with aggravated mischief, so long as they remain in the States. Have not these Indians lost all just claims to national character? Ought not these Indians to be considered and treated as the helpless wards of the Federal Government?

I am, dear sir, with great regard, yr. obt. servt.,
WILSON LUMPKIN.

Executive Department,
Milledgeville, May 21st, 1835.

Hon. Lewis Cass,
Secretary of War.

Sir:—I have this day concluded to limit the time for the presentation of claims of the citizens of Georgia, under the Creek Treaty of 1821, to the 1st day of August next, by which time I hope to be able to bring this troublesome business to a final close. From the progress made, I have ascertained that the amount of money set apart will be sufficient to pay the whole of the principal and a small portion of the interest provided for. Perceiving that the principal and interest of the claims will exceed the amount of the appropriation, and having incurred the obligation of compensating a commissioner, appointed to examine and adjust them, I have to request that I may be informed whether the allowance to the commissioner—whose services have been so important and indispensable—will be defrayed by the Federal Government, there being no fund out of which I feel myself authorized to make the allowance.

I have the honor to be, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 16th, 1835.

Col. Wm. A. Bishop,
Spring Place, Ga.

Dear Sir:—I have received your favor of the 5th inst. The information it contains, in regard to the prospects of the late Treaty proposed to the Cherokees and being accepted by them, coincides with the information heretofore received from my best informed correspondents in your section of the State. It is most unfortunate for this remnant tribe of Indians that they still adhere to the dictation of Ross and his more selfish white advisers. But whatever misfortune may hereafter come upon them, on account of their obstinacy in refusing to accept the kind and liberal offers of a beneficent Government, we, who have endeavored to save them from the impending ruin which inevitably awaits them if they remain in the midst of our white population, will at least have our own minds relieved from guilt. Their ruin must be charged by the impartial eye of posterity to Ross and his associates.

If they reject Ridge's Treaty, nothing further ought to be proposed to them as a substitute. No modification, for the accommodation of Ross and his *feed council*, should be made by the Government. Those who reject the liberal terms of the late Treaty, and refuse to emigrate, deserve no further favor or forbearance from Georgia or her authorities. Your letter satisfactorily explains the delay in my hearing from you on the subject of the complaints published against you, over the signature of Spencer Riley; and which you state were written by *Samuel Rockwell*. While you were attending to an important official agency, in a wilderness country, where neither newspapers nor letters could reach you, of course, you could not be informed of the shafts of malice and misrepresentation which were levelled against you, through the medium of a portion of the public press—which really appears to be opposed to every interest of the State. I am glad to learn that you will have it in your power to satisfy an honest public that you have only done your lawful duty, and that you have been grossly misrepresented. Indeed, sir, it must be obvious to every enlightened and impartial citizen of Georgia that the duties which have devolved upon the Executive branch of the Government of the State for several years past, in the management of our Indian affairs, have been most responsible, arduous and difficult of execution, while it must be admitted by all that unparalleled success has attended our efforts, and every danger and difficulty has been promptly and successfully met. The prompt and efficient discharge of your present agency cannot fail to receive the reward of public approbation. Under existing circumstances, we cannot expect to escape the censure of the selfish; but we must rely upon a strict and fearless discharge of official duty, and trust to our constituents and posterity to do us that justice which has never failed, sooner or later, to be the reward of honesty, and integrity. Please keep me advised of passing events in relation to our Indian affairs.

I remain, sir, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 28th, 1835.

To Col. Z. B. Hargrove and Col. Wm. Harden,
Cassville, Ga.

Gentlemen:—I have received your letters, and the papers signed by yourselves and many other respectable citizens of the Cherokee Circuit, requesting an organization of a military force for the protection of the citizens of said district, and more particularly for the protection of that portion of the Cherokee population who are known to be in favor of emigration and the late Treaty entered into by John Ridge and his associates with the authorities of the United States, &c. The great importance and gravity of the subject which you present calls for the most mature and deliberate consideration. The consequences involved in the course which you recommend is inseparably connected with the character, honor, and best interest of the State, and that to an extent not apprehended by the hasty and inconsiderate. The necessity, and, consequently, the expediency of the measures recommended by you and others are supported, as appears from the communications which I have received, by detailing the violent offenses which have, from time to time, been committed by that portion of the Cherokee Indians who are opposed to emigration, and the inefficiency of the civil authority to punish these offenders, as well as the apprehensions of that portion of the community who consider themselves in personal danger from the apparent excitement which at this time prevails in the country on the subject of the proposed Treaty.

And you, therefore, call upon the Executive for the execution of the late laws and resolutions of the State, &c. No vigilance has been, or shall be, wanting on my part to see that the laws are faithfully executed, wherever their enforcement has been confided to the Executive. But I have no power to change existing laws—that belongs to the Legislature. I cannot control or interfere with the constitutional and legal powers of the judiciary. I am not responsible for the fidelity or integrity of that Department of the Government. Its defalcations and abuses of power I may properly lay before the Legislature—there my duty ends.

The strongest apprehension of danger which I indulge is chiefly limited to that portion of the Cherokee population who are known to be favorable to the late Treaty and emigration. But Ridge and his friends may rest assured

that I feel myself and the Government of Georgia as strongly bound to protect and defend them in their persons and property from the violence and outrage of their enemies as I would any portion of the white population of the State. If John Ross, or any of his party, commits any violence or outrage upon Ridge, or his friends, be assured the full extent of the Executive power of Georgia shall be exerted to punish all who may be justly implicated in such unsufferable crimes. I am bound by the laws and Constitution of the State. I cannot punish or exterminate the *suspected enemies* of the State, before conviction. You will not consider these hasty impressions as indicating the result of my final decision in relation to the subject which you have presented for my consideration. All that the laws of the State authorize me to do, to prevent the evils which you apprehend, may be expected. What is proper, however, to be done, should be done in the best way to effect the desired good—all of which will be duly considered and acted upon without delay.

I am, gentlemen, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 29th, 1835.

Mr. John Ridge, Rome, Floyd County, Ga.

Dear Sir:—I have received, and read with feelings of deep interest, your favor of the 18th inst. You have taken an enlarged and enlightened view upon the highly important subject on which your letter is written. My views coincide with yours on every important point. Instead of replying to your letter in detail, I deem it most advisable, under all the circumstances, to refer you to Col. Bishop, to whom I have just written at large on the subject of your letter—without, however, intimating to him that I had received any communication whatever from you. Request Col. Bishop to show you my letter to him, and you will then feel assured that prompt and energetic measures have been adopted, suited to the present emergency. I have invited Col. Bishop to visit this place, with as little delay as possible. You will, therefore, do well to lose no time in seeing the Colonel.

I am, sir, with great respect, yr. friend and obt. servt.,

WILSON LUMPKIN.

(Instructions.)

Executive Department, Ga.,
Milledgeville, June 17th, 1835.

Col. Wm. N. Bishop.

Sir:—In pursuance of your appointment to the command of such force as may be called into service, under the provisions of a joint resolution of the General Assembly, approved the 20th December, 1834, for the security, relief and protection of our own citizens, as well as the friendly Cherokees who reside in the Cherokee Circuit of this State, you will proceed, with as little delay as possible, to organize a force, not exceeding forty men, the whole, or any part, of which may be called into immediate service, as circumstances may hereafter require. They will be engaged to serve until the first day of December next, unless sooner discharged by orders from the Governor. None but able-bodied men, qualified for the most effective service, must be admitted, and who must furnish themselves with good horses, at their own expense.

In contracting for members to compose the contemplated force, you will be careful to select men of approved courage only—of sober habits and accustomed to endure with patience the greatest fatigue.

You will be supplied with public funds, for the payment and support of your men, as circumstances may require. The necessary supplies for men and horses must be provided for in that manner which will ensure the greatest economy which may be consistent with comfortable subsistence.

The nature of the contemplated service not admitting of the idea of much stationary duty, I have not deemed it necessary or expedient to point out particular stations for the deposit of rations or supplies, but shall leave all these arrangements to your own efficiency and skill in the execution of your duty, relying as I do much on your own judgment and fidelity to the public interest. It may, however, be proper to suggest that you will find it most convenient and economical to have engagements for supplies, for both men and horses, with individuals on whom you can rely, always ready at given points to prevent inconvenience and actual suffering.

Indeed, some suitable point as your headquarters will be indispensable, and there your chief supplies may be deposited, and where some kind of barracks to shelter your men and to

meet the contingencies of sickness, &c., must necessarily be provided.

From the nature of the service, you cannot restrict your men to the ration of the regular soldier; yet it will be expected that every thing like extravagance and waste will be prevented.

The men you may engage will furnish their own horses, and will receive twenty dollars per month each, when in actual service. They will be paid quarterly, if they require it.

The efficiency and utility of this force will, in a great degree, depend upon their strict and cheerful obedience to your orders. If they can be brought to obey your orders implicitly and of choice, you will then have prepared them for the duties which are to be discharged. You will find constant employment in the contemplated service. You will appoint an orderly sergeant, who will make regular and daily reports to you of the state, &c., of your force, and you will make similar weekly reports to this Department. You will also make duplicate quarterly reports of your expenses incurred in supporting your men, accompanied by vouchers for each item, one of which reports will be forwarded to this office, and both signed and certified by you upon honor.

And you will make similar reports of all incidental and contingent expenses. The object of the force to be organized under your command is to afford *security, protection, and defence* to our sparsely settled population of the Cherokee Circuit, and particularly to the friendly Indians who are disposed to obey and respect the laws of the Federal, as well as the State, Governments. Let it be constantly borne in mind that, under the existing state of things, your military command is designed only to aid the civil authority in carrying into effect the laws of the State.

First. You will diligently enquire for, and ascertain as far as you possibly can, all the violations which have been or may be committed against the criminal laws of this State, by persons who have evaded and still evade a legal trial, for the offences with which they may stand charged—wherever you find that an offence of any magnitude has been committed, and the offender or offenders cannot be apprehended by the ordinary officer or officers, or where such offenders have broken jail, or escaped from the custody of a proper officer, you will immediately cause all such persons to be arrested, and use all legal means placed at your com-

mand to secure their apprehension, trial and punishment according to law.

Persons suspected of violent designs against the peace and good order of society—upon the affidavit of a respectable person or persons, setting forth or charging such apprehension of violence as being meditated against any one or more persons, or where the individual apprehends personal injury or violence to himself—you will, on procuring a proper warrant in terms of the law in such cases made and provided, consider such warrant your legal authority for arresting the person or persons so charged, and cause them to be brought before some proper officer, in order that they may be dealt with as the law directs. Having just grounds to apprehend that John Ridge and his friends, who are favorable to the late Treaty, are in danger of secret, if not open, violence from John Ross and his party, I feel myself in duty bound to charge you most earnestly to be strictly vigilant and watchful in *protecting* and *defending* said Ridge and his friends from the malignant violence of their enemies. And, after holding a consultation with Ridge and his friends, if any respectable person or persons can take the necessary oath, you will not fail to procure a warrant, and take with you a civil officer to execute the same, and arrest John Ross, and see that he is brought before the Judge of the Superior Court of the Cherokee Circuit, in order that he may give good and sufficient security for his good and peaceable behavior, not only toward the individual named in the warrant, but towards all the good citizens of this State and all the friendly Cherokees residing therein. The distinction and character of John Ross is such as to fully justify these my instructions in having him brought before the highest judicial officer within the Cherokee Circuit.

Moreover, you are particularly enjoined and instructed to prevent the exercise of any authority by those who are considered as Cherokee chiefs or headmen. They must not be permitted to make and enforce any rules or regulations for the government of the Cherokees within the limits of Georgia, or to hold meetings, or councils, for illegal purposes. Every Cherokee who has offended or may offend against the laws of the State, especially every headman or chief, must be arrested and delivered to the judicial authorities, let it cost what it may.

Your men must be accustomed to secrecy and dispatch in relation to many of the duties which are to be performed. A knowledge of your plans adopted to ensure the faithful

discharge of your duties will often defeat your objects, if known to the community in general.

You may find it necessary to send trusty members of your command into various parts of the Circuit, for the purpose of collecting and reporting to you the state of the public mind in regard to our Indian relations, and other matters connected with the public service. Such duties can safely be confided to none but men of sense and firmness.

Trust nothing to men who continue to excite the Indians to resist the operation of the laws of the State over them, or who encourage their appealing to other authority than that of Georgia for protection.

Under all the circumstances it will be most prudent, in all cases where arrests are to be made, to obtain warrants from some judicial officer, charging the person to be arrested with some crime, and at the same time to be attended by a civil officer, duly authorized to execute such warrant. Thus you will, in most cases of arrest, only aid the civil officers who have warrants authorizing them to make arrests.

Persons, however, who have committed crimes, and who would probably escape without an immediate arrest, or in cases of violence on the part of any Indian or Indians, or in cases of resistance to the laws of the State, must be considered cases of exception to the general rule of obtaining a warrant and civil officers.

You may safely arrest all persons who may be found in the commission of offenses against the laws of the State; but when the information comes from others, require warrants, and take authority and arrest in the presence of a civil officer.

Should any resistance to the laws of the State become so formidable as to render you unable to suppress it by the force placed at your command, you will immediately inform me of the same by express; and in the meantime call in the aid of any regiment or regiments of the militia most convenient. Make this call upon the Colonels, by issuing orders to that effect.

Very respectfully yours,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, June 18th, 1835.

Maj. B. F. Curry,
Calhoun, Tenn.

Sir:—I have duly received your letter of the 10th inst., as well as your former communications to which you refer. Your general views in relation to our Cherokee affairs coincide with my own, and on the most important points to which you have adverted, and particularly that of the organization of a military force, I have a train of measures now in preparation to carry into effect that object.

I cannot conceal from you how deeply I regret the present state of things in relation to our Indian affairs, as they now seem to exist (from your letter) in your immediate neighborhood.

Be assured that, if your apprehension in regard to the mischievous influence of Ross and his friends, and its dangerous extent, be well founded, that influence ought and must be promptly checked. If the Rosses are permitted to control, or influence in any degree, the forces of the United States stationed in the Cherokee country, then, indeed, will that military arm of the Federal Government be wielded to the destruction of all the plans and efforts of the Executive Department of that Government.

Until the reception of your letter I had not the slightest apprehension of your want of ample and full power to govern these troops. I protest against these troops remaining in the country a single day, if there be the least just grounds to suspect either officers or men with a spirit of hostility to the policy and measures of the Federal Government in regard to the removal of the Indians.

In determining to organize a force in Georgia for the protection of the Indians who are friendly to the late Treaty, as well as our exposed white population, I calculated most confidently on the cordial co-operation of the United States forces in arresting murderers and outlaws, and thus aid in bringing to justice offenders who have long remained unpunished; and have intended to address you on that subject previous to the reception of your letter. But unless you or some other person, in whom I have entire confidence, have the command of these troops, I want nothing to do with them. No man who is suspected of siding with the Ross party ought to remain in that country a single day, with the arms of the Government in his hands. If your apprehen-

sions be well founded, mischief will inevitably result from these troops remaining in the country, and the sooner they are removed the better.

I would most cheerfully, and at once, comply with your suggestion in regard to the command of these troops being transferred, &c., but for the fact of not feeling myself at liberty, from the tenor of your letter, to use the facts which you communicate. I, therefore, can say nothing to the President upon the subject of your letter, unless I am first authorized by you to do so. I perceive the delicacy of your position, but you must at once perceive that my position forbids my intermeddling with the command of these troops, unless I have authority to predicate my suggestions upon.

I am, very sincerely yrs.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, July 23, 1835.

Col. Wm. N. Bishop.

Dear Sir:—I have had the satisfaction of reading your letter of the 14th inst. It contains much that is interesting, and will be useful in aiding my further efforts to promote the public interest. Your arrangements, as far as you have communicated them, appear to me to be judicious, and merit my approbation.

Immediately after you left here, I turned my attention to the subject of procuring, with as little delay as possible, the swords and pistols deemed necessary for the service in which you are engaged; and ascertained that there could be procured but twenty good swords and three braces of pistols within the limits of our own State. I, therefore, immediately sent to New York for the necessary supply, and am daily expecting to hear of their arrival at Savannah, from which place they will be forwarded here with all practicable dispatch. The twenty swords and three pairs of pistols are here, and ready at your call, and I every day hope to be able to advise you of the arrival of a full supply.

As I before informed you, we have plenty of good muskets and cartridges here which await your call. Musket flints have been ordered, but have not yet arrived. The first moment after we receive all the articles here which you need, you shall be advised of the fact. When you send, make out a bill of all you want, specifying the number of each article, and it shall be filled, if possible. Previous to the

reception of your letter I had heard through Maj. Curry and Col. Nelson of the violence of Ross, in endeavoring to prevent the census of the Indians from being taken, and, through Mr. Curry, I had also heard of the outrage committed on Col. Turk, and others, by the Ross or hostile part of the Cherokees. These acts of violence beyond our limits do not come under our jurisdiction, and we can only aid (should it be necessary) in apprehending these offenders in cases where they may happen to be found within the limits of our State. The measure of taking the census is a measure of the Federal Government, with which we have no right to interfere, unless opposition to it should be carried to an extent of personal violence, threatening the safety of our citizens, or the peace of our community. It is always best to keep within the bounds of our respective official spheres—usurping no power or authority—but promptly and fearlessly discharging our obvious and well defined official duties. You have the undoubted right, however, to suppress all violent measures on the part of Ross and his party, let that violence arise from whatever cause it may—when on the soil of Georgia, he must be made to know that he is answerable for his peaceable and good behavior. Moreover, he should be held accountable for all acts of violence committed by the ignorant Cherokees, supposed to be instigated by him in opposition to the laws of the State. I hope you will continue to keep me constantly apprised of your movements and operations, as well as your own wants.

I am, sir, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Ga., June 24, 1835.

Col. W. N. Bishop.

Sir:—In anticipation of the general meeting of the Cherokees at New Echota—when the late Treaty will be presented by the Commissioners of the United States for the acceptance or rejection of these people—I have thought it best to apprise you in due time that it will be expected of you and your entire force to attend that meeting. On your arrival at that place, you will report yourself to the United States Commissioners, and inform them that you are instructed by me to communicate to them the deep interest which I feel in the successful issue of their mission, and of

my disposition to render any aid which may be within my control to further the views of the Government under which they act, in regard to the policy and measures which relate to the Cherokees. Moreover, you will apprise them of your instructions to attend the contemplated meeting, with the force under your command, for the purpose (if necessary) of aiding said Commissioners in preserving peace and good order amongst all persons who may attend said Treaty, whether they be whites or Indians.

And, in case of any disorderly or riotous conduct, you will be vigilant and careful to aid and assist the civil authority in suppressing the same.

You will be particularly careful to impress upon your men the importance and absolute necessity on their part of conducting themselves with the greatest propriety and exemplary good order and cheerful obedience to your commands. No just occasion must be given by any individual under your command for the complaint of any individual whatever.

It will be a most favorable occasion for you and your men to make a deep impression on the minds of all your beholders, that the object of your command is the preservation of peace and good order, and you are not to be considered as a terror to any but evildoers.

I am, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 16, 1835.

Col. Wm. N. Bishop, Agent,
Spring Place, Ga.

Sir:—I have had the satisfaction to receive your letter of the 5th instant, enclosing your weekly reports up to the 26th ult. The information you give me in relation to our Cherokee affairs corresponds with that which I had previously received from Maj. Curry and Mr. Schermerhorn. Both of these gentlemen speak in the most flattering terms of the ability and prudence with which you have thus far discharged the duties of your agency, and of the good conduct of the men under your command, Mr. Schermerhorn expresses his entire conviction of the utility of your command, and adds that you have already done much good in advancing the object of Indian emigration. I have entire

confidence in the character of Mr. Schermerhorn, as well as that of Maj. Curry.

I do, however, very much regret the anticipated delay in effecting a final arrangement with the Cherokees. I did entertain the hope that the business would be brought to a final close before the expiration of my present term of office—not that I consider a final adjustment of any great consequence *now* to the people of Georgia, or because I believe a treaty would add anything to my own fame; but my strongest and most ardent desire arises in true philanthropy to these deluded Indians, who have so long been the dupes of John Ross and his white co-workers and lawyers. Since I came into the Executive chair, by my special recommendations, and at my special responsibility, thrown on me at every stage of our legislation, I have moved straight forward, until the Cherokee part of Georgia has been changed from a howling waste of savage bands and wild beasts to that of a settled and cultivated country, populated by thousands of civilized men, now enjoying all the blessings of our Constitutional Government. Having effected all this without a treaty, why should Georgia, upon selfish considerations, care about a treaty? What remains to be done, so far as Georgia is concerned, can be better done by state legislation than any treaty. I shall do my duty, and recommend the proper measures to the next Legislature, and trust that the representatives of the people will also do their duty. I wish you faithfully to co-operate with Mr. Schermerhorn and Maj. Curry, but I shall not interfere with the details of any plans which are to be consummated after the first day of November next. The guns, pistols, swords and ammunition are here, awaiting your order, of which you have been notified some days ago by one of my secretaries. Continue to keep me apprised of your operations, as I take much interest in the details which you have heretofore given me.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 24, 1835.

Col. Wm. N. Bishop,
Agent.

Sir:—I have this day caused to be delivered to Samuel Weir forty good muskets and accoutrements, sixty brace of

horsemen's pistols, sixty swords, one box (840) cartridges, one keg (28 pounds) powder, one hundred pounds of bar lead, and 500 of the best flints in the arsenal, for the use of the guard under your command.

I regret that your written and specific order did not, as I had requested of you, accompany the application for these articles; but, from the statement of Mr. Weir, I cannot entertain a reasonable doubt of his application being made under your direction, and, therefore, send the articles, trusting their safe delivery to the confidence I repose in the applicant, and have to request that you will acknowledge their receipt at the earliest day. I have exercised my best judgment in anticipating your wants in the absence of any specification from you, and have sent them accordingly. Upon opening the box containing the pistols, I was astonished to find no holsters. It is a strange and singular omission, for which I cannot account; but, under all the circumstances, I concluded it was best to send the pistols on, and hope you may be able to find a workman in your country who can make such holsters and coverings as may answer your purpose. From their appearance, I hope you will find the articles sent of a good quality.

Mr. Weir states to me that you promised to write me in time for his arrival at that place. I have received no such communication. Should it come to hand, it shall be acknowledged. If Mr. Weir does his duty faithfully, you ought to pay him a fair price for the number of days he may be engaged in your employ. As the articles will fall short in weight of making an ordinary load, I have sent you sixty, instead of forty, brace of pistols, and sixty swords. You will take care of those you do not immediately use. Since writing the foregoing, I have received your communication, by the hand of Mr. Underwood, which will be immediately answered.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 26, 1835.

Mr. Elias Boudinot,
New Echota, Ga.

Sir:—Your letter of the 19th inst. is before me. In reply, I have to inform you that lot No. 124 in the Fourteenth District and Third Section has not been granted. Application

for the grant has more than once been made, but believing, as I did, that the grant could not issue without violating the true interest and spirit of the laws of Georgia, I have withheld the grant. Therefore, the intrusions which have been made upon your rights, as secured to you by the laws of Georgia, are illegal, and deserve the punishment of the law.

It is, however, the duty of the Judiciary, and not the Executive, to sustain you in your rights.

I will, however, write to Col. Bishop, the present Agent, on the subject, in the hope that he may be able to render you some service, as I very sincerely regret that any citizen of Georgia should, under such circumstances as exist in the present case, be so lost to every principle of justice and humanity as to act oppressively to you, or other Cherokees, under similar circumstances. I will herewith enclose to your care my letter to Col. Bishop, and leave it open for your perusal.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 26, 1835.

Col. Wm. N. Bishop,
Agent.

Sir:—In compliance with your request contained in your letter of the 19th inst., by the hand of Mr. Underwood, I have drawn a warrant in your favor for the sum of five hundred dollars, also one in your favor for Mr. Weir for one hundred and thirty dollars, that being the amount you have agreed to pay him for the transportation of the arms, &c. I am gratified to learn that you are actively engaged in every part of the country embraced in your command, and of the service in which you are engaged. I some days ago heard of the apprehension of Took, the murderer. Your statement coincides with the information previously received. I entirely approve of your having arrested Adair and his associates for a violation of our laws, by assuming official functions under Cherokee authority.

But of this matter the Judiciary must determine. It is evident that Adair and his associates must be acting under the authority of Ross, but you may fail to procure the necessary proof before the court. They certainly have no authority for their insolent assumptions, either from the

Federal or State Government. It appears to me your proper course would be to take these men before a civil officer, and have them bound for their appearance at the next Superior Court, to answer for the allegations set forth in your letter, and that it will be the duty of the Solicitor General to prosecute, &c. I am wholly opposed to the idea of Judge Underwood having any official agency with Cherokee concerns whatever, because I believe him to be entirely unworthy of public confidence in this or any other matter whatever. He is an instrument I would not use on any occasion whatever, even to effect a public good, so long as I could find an honest man in the country. From all I have been able to collect, from every source, I see no immediate prospect of the Cherokees accepting the Treaty. Indeed, from the communications which I have received from Maj. Curry and Mr. Schermerhorn, I have lost sight of a treaty before the first of November, when my term of office will expire.

Therefore, as far as Georgia is concerned, I feel entirely indifferent whether the Cherokees ever enter into a treaty or not. I no longer look to the Federal Government, or its agents, to relieve Georgia from her Cherokee perplexity.

All that has been done towards ridding the State of this troublesome population has been done by State authority; and what remains to be done we must rely upon ourselves.

I shall do my duty to the last moment of my official term. If the approaching Legislature sustain my views, Georgia will be entirely relieved from her Indian population.

Do your duty firmly, but do not transcend your legal bounds, or my instructions.

Respectfully, yr, obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 26, 1835.

Col. W. N. Bishop,
Agent.

Sir:—I have this day received a letter from Mr. Elias Boudinot, on the subject of the lot of land embracing his present residence, in which he complains of intrusions already having been made on his rights, and of further prospective aggressions. This lot of land, No. 124, in the Fourteenth District and Third Section, has not and cannot be legally granted. I, therefore, have to request that you will, without delay, investigate this case, and use your best

exertions to have speedy justice done to Mr. Boudinot. It would be a disgrace to the State to permit the legal rights of this man to be trampled on by unprincipled white men. If you cannot legally interfere with the case, as Agent, you are hereby authorized to institute such judicial proceedings as will sustain the rights of Mr. Boudinot, at the expense of the State.

Very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 17, 1835.

Mr. John Ridge,

Head of Coosa.

Dear Sir:—I have received your favor of the 7th inst., signed by yourself, as well as the emigrating and appraising agent. After duly considering the same, I have to state in reply that, as far as official obligations would permit, I have, from the time I entered upon the duties of this office, endeavored to keep up a harmonious action between the State and Federal Governments upon all subjects, and especially upon the subject of the relations of Georgia with the Cherokees. I shall continue to do so. If I understand, however, the object of your present communication, it will require legislative and not executive interposition to meet the case presented in your letter. I am bound by the highest obligations to execute the laws *as I find them*, and, until changed by the Legislature, I cannot stop the execution of a law, although I may regret the effects of its operation.

If the late Treaty proposed to the Cherokees could have been accepted by your people before the meeting of the approaching session of the Legislature of Georgia, I should have felt myself in duty bound to have urged most earnestly upon the Legislature such enactments as should have secured to the Cherokees all the advantages in regard to time and other things which a fair construction of the Treaty would authorize them to expect; but I have discovered a spirit of opposition, procrastination, and obstinacy on the part of those who seem to have the destiny of a majority of the Cherokees in their keeping that, I confess frankly to you, has produced a conviction on my mind that, under all the existing circumstances, the Government of Georgia, as well as that of the United States, should at once convince the

Cherokee people of the impotency of John Ross and his associates.

I have held correspondence with Mr. Schermerhorn, Maj. Curry, Col. Bishop, and others, on this subject for months past. I see no certainty of any desirable result. Every thing appears to be vague and uncertain.

The best interest of the Cherokee people, as well as the whites, demands that the subject should be brought to a close; and it must and will be done, so far as Georgia is concerned.

Permit me, in conclusion, to assure you of my entire confidence in the zeal, ability and patriotism with which you have labored to promote the best interest of your people.

Sir, you and myself have no object in view, in the final adjustment of all difficulties between our people, except it be their good, their peace, their happiness, and prosperity. But other and very different motives influence those who are endeavoring to procrastinate and lengthen out the embarrassing perplexities which we have to encounter. If any thing definite is agreed upon before the meeting of the Georgia Legislature, the interest of all concerned requires that it should be communicated to this Department.

I am, sir, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 26th, 1835.

J. F. Schermerhorn, Esq.,

Commissioner, Calhoun, Tenn.

Sir:—I have the honor to acknowledge the receipt of your favor of the 15th inst., and thank you for the information and suggestions it contains. You will please keep me advised of the state of affairs in connection with your official duties up to the meeting of the Legislature, on the 1st Monday in November next, and I will endeavor to make the best use of all the information derived, in furtherance of the very desirable and important object of bringing to a final and equitable issue our perplexed Indian relations. I am much gratified to find from the tenor of your letter, and other correspondence, that the speedy acceptance of the Treaty by the Cherokees is becoming more probable. So far as regards the interest of this unfortunate remnant, it is of great importance to them that what they do should be done quickly.

Prompt action on their part would enable me to effect much in guarding their interest while they remain in Georgia, and in making the necessary preparations for emigration. If they would accept the Treaty at once, every indulgence guaranteed to them in that instrument would no doubt be secured to them by the legislation of the State. But, sir, under all the circumstances, they may rest assured that the idea that the people of Georgia will any longer submit to the annoyance of John Ross and his associates is wholly preposterous.

The list of reserves, as requested by you, was forwarded without delay. The case of Mr. Boudinot has been duly attended to, by giving the proper instructions to Col. Bishop. In every case the rights of the Cherokees, as recognized by the laws of Georgia, will be scrupulously respected and guarded, as far as the power of this Department may extend.

With great respect, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 26, 1835.

Col. Wm. N. Bishop.

Dear Sir:—I have duly received your favor of the 16th inst., accompanied by your weekly reports, &c. Your letters give me much detailed information which will be useful, and I hope you will continue to keep me advised of every important matter connected with your official duties up to the meeting of the ensuing Legislature. I was gratified to learn the case of Mr. Weir, and the letters and money entrusted to the care of Mr. Underwood, had been duly received by you.

Your arrangements and proceedings in connection with your official duties, as reported in your letter, appear to be judicious, and have my approbation.

I am much pleased to learn that the views which I entertain, and the course which I have pursued, is effecting a salutary change in the feelings of many of the Cherokees and are appreciated, and I shall certainly persevere in the policy which I have heretofore suggested to you to the termination of my official functions. Before this reaches you, I hope you will have attended to the case of Mr. Boudinot, and that you will, in every case, be particularly vigilant to see that

justice is done to the well disposed portion of the Cherokee people.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Having extended the selections from my official correspondence, while in the Executive Office of Georgia, far beyond the point which I had anticipated when I entered upon the work of making these selections, I deem it proper to make the following explanation:

Unimportant and uninteresting as many of these letters, when read single and alone, will doubtless appear to most readers, yet, when read in consecutive order, as I have arranged them, no attentive, sensible reader will fail to see their connection from the beginning to the end of my official labors as Governor of Georgia. It will be seen that each and every day brought with it arduous, complicated and variegated labors, such as have rarely fallen to the lot of any Governor of any State of the Union. These letters contain the official, uncontroverted evidence of the manner in which these duties were disposed of.

Moreover, they are indispensable to sustain the chain of Georgia's history in connection with her Indian affairs for four of the most trying and critical years of her whole history in connection with her Indian affairs.

This was the period which tested the question of sovereignty between one of the States of the Union and the aboriginals of the country. This was the period when the great political party opposed to the administration of Gen. Jackson took sides with John Ross and his followers, in favor of Cherokee sovereignty within the limits of Georgia and other States. This party, too, was aided, countenanced, and encouraged by a majority of the Judges of the Supreme Court of the United States. This was the period, too, which tested the strength, success, and practicability of carrying into effect the emigration plan. Hence, the necessity of giving to the reader, somewhat in detail, the progress of these four years. The numerous letters written to Gen. Coffee, Col. Bishop and other agents of the Government of Georgia, under the authority of the then existing laws, and to many other individuals, may, to the superficial reader, appear to be monotonous, and exhibit very much sameness in substance, but, when critically examined and scrutinized, every

letter will be found to contain something different from all others, and, at the time, highly expedient and necessary to have been communicated.

Moreover, they are necessary links to the one unbroken chain, the first link of which I had attempted and succeeded in forming, in the House of Representatives of the United States, in the year 1827, by obtaining an appropriation of \$15,000 to defray the expense of Commissioners appointed to explore and find a suitable country for the Indians, then in the several States, in the wild lands of the West. The labor of these years was much more hazardous, delicate, and difficult, because most conscientiously performed, as I have always declared. No man among the living more ardently sought to benefit the Indians than myself.

While I viewed John Ross and a few of his prominent followers as very selfish, bad men, the Ridges, Boudinot and many others had gained my confidence as high-minded, honorable and patriotic men—men devoted to the best interest of their people; men whose civilization and intelligence justly entitled them to a place in the confidence and brotherhood of the first statesmen and philanthropists of the age. Therefore, persevering as I was in all my official duties, I was sometimes almost paralyzed in my progress on account of the necessity of doing justice to and guarding so many conflicting interests at the same time.

Should any of my survivors ever take the time to make themselves fully acquainted with the history of Georgia during the four years of my Chief Magistracy, and examine critically all my official acts, I feel assured that their minds will be impressed, as mine now is, while I write these pages, that God, in His wisdom, accomplishes His purposes by means of His own choosing; that the glory, power and wisdom shall be ascribed to His own name and not to the humble instrumentality of poor, mortal, erring man. In all these matters I only claim to have been the clay in the hands of the potter.

THE
CHEROKEES

VOL. II

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TO
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THE REMOVAL
OF THE
CHEROKEE INDIANS
FROM
GEORGIA.

BY
WILSON LUMPKIN.

INCLUDING

His Speeches in the United States Congress on the Indian Question, as Representative and Senator of Georgia; His Official Correspondence on the Removal of the Cherokees during his two terms as Governor of Georgia, and later as United States Commissioner to the Cherokees,

1827-1841

Together with a Sketch of His Life and Conduct while holding many Public Offices under the Government of Georgia and the United States, prior to 1827, and after 1841.

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CORRECTIONS

Page 113, line 27, for J. M. Kennedy, read John Kennedy.

Page 180. Gov. Lumpkin names John Henderson as a Senator from Mississippi in 1837; but he did not enter the Senate until 1839, succeeding Senator John Black.

CHAPTER XIII.

At the close of my last Gubernatorial term in November, 1835, my generous friends gave me a parting feast, very numerously attended, at McComb's Hotel, in the close of which I made them an address, offering them my most affectionate advice, and bidding them a final adieu as Governor of Georgia.

I had the pleasure of seeing my political friend, Governor Schley, inaugurated as my successor in office, before I left the seat of government, and then repaired to my home and family, in Athens, Georgia.

I am at a loss to describe adequately my feelings and reflections upon this sudden change from all the turmoils and tumults of political life to the quietude of a peaceful home.

Once more in my life I was relieved from official responsibility and its unceasing cares. Nothing was left of an official nature, except the discharge of the pleasant duty of a Trustee of the University of Georgia, to which I had been called some years previous to my becoming Governor of the State. And as I was now located in my home, at the site of the University, my official duties could chiefly be performed without absence from home, or loss of time from my private affairs. I considered the duties of my Trusteeship in the nature of recreation rather than a burthen. My principal inducements in selecting Athens as my permanent home may be summed up as follows:

This place (Athens) is within twenty-five miles of the spot where I had spent the happy days of my infancy and childhood; the well-tested healthfulness of the location; its fine situation and climate, the highly intellectual and cultivated state of society; the education of my three youngest children, then just of the proper ages to require good schools.

I procured me a delightful situation, in the margin of the town, in full view of the State University, together with six or seven hundred acres of good productive land, finely timbered and watered, bounded on one side by the Oconee river. My design was to make this my permanent home, and live by the cultivation of the land.

My circumstances were moderate, neither rich nor poor, but very comfortable. Free from debt and embarrassment, I had, as I then thought, closed my public life

forever, in a manner highly satisfactory to the public. I met the kind greetings and salutations of my fellowmen wherever I turned. In this state of mind, and with these prospects before me, I enjoyed the feast of rest and quietude, enlivened and cheered by those social and family enjoyments which can only be duly appreciated by those who have passed through the fiery furnace of political strife and conflicts.

But it was but a very short time before I was again forced to acknowledge that man may decide his own way, but most assuredly "the Lord ordereth his steps."

On the 17th of July following I was commissioned to execute the Treaty of Dec., 1835, with the Cherokee Indians.

Without previous consultation or notice of any kind, I found this commission sent to me by President Jackson, accompanied by instructions, as well as a private letter, in his own handwriting, urging me to accept the commission, appointing me a Commissioner by and with the advice and consent of the Senate of the United States, to examine all the claims arising under, or provided for, in the several articles of the Treaty concluded with the Cherokee Indians on the 29th of December, 1835, and authorizing and empowering me to do and perform all the various duties appertaining to said office of Commissioner as aforesaid.

This appointment was to me wholly unexpected and undesired. And but for the reasons urged by General Jackson, in his private letter, why I ought to accept the appointment, I should certainly have declined it.

I had contributed much more than any one man in bringing this Treaty into existence; and although exceedingly liberal and advantageous in all its provisions to the Cherokee people, yet it had been and still continued to be opposed most violently by John Ross and his numerous followers. The various provisions of the treaty in favor of individual Indians—embracing the valuation and payment of each individual for his improvement, the final settlement of all claims, in favor of, or against each individual Cherokee—all these matters required great care in their examination, final adjustment and payment. Their claims for spoliations committed upon their property by the whites of the surrounding States for many years past required great care and most critical scrutiny in their adjudication. Indeed, whoever may study this treaty, and comprehend its provisions in

all its parts, will find that the duties which devolved on the Commissioners, under its provisions, embraced subjects of great complication and importance. Its faithful execution required qualifications of the highest order of both executive and judicial talents. Very many vastly important cases were brought to the consideration and decision of the Commissioners.

Nevertheless the impression resting on my mind, that I could efficiently aid in having the treaty faithfully executed, without injury or destruction to the Cherokee people, and hasten the period of their departure from Georgia, induced me once more to embark in this most hazardous and rugged field of public labor. While there was danger to the Cherokees, on the one hand, and to the whites of Georgia, on the other, I felt it to be my duty to occupy any post which might be assigned me which promised the reward of usefulness to my fellowman.

My commission and notification of my appointment as a Commissioner under the Cherokee Treaty of 1835 is dated the 7th of July, 1836, and on the 25th of the same month I entered on the duties of that office so far as to open a correspondence with Gov. Carroll, of Tennessee, my co-commissioner, and from that time I carried on a considerable correspondence, in writing and answering numerous letters connected with my new position, until the 18th of August, when I left home and proceeded to the Cherokee country, and visiting several important settlements of the Cherokees, I arrived at New Echota on the 2d of September, where I remained until the 8th, at which time I held a meeting with the Cherokee Committee—a committee provided for and their duties assigned under the provisions of the treaty. This committee consisted of John Ridge, Elias Boudinot, William Rodgers, John Gunter and William Chambers. From that time to the 15th of September I continued at New Echota, making arrangements and holding correspondence with various agents of the Government, engaged in duties connected with the execution of the Treaty, and hearing nothing from my associate Commissioner, Governor Carroll, I determined to give public notice and to invite all persons having claims arising under the treaty—whether Indians or citizens—to prepare their claims for presentation on or before the 10th day of October, when their claims would be duly received and attended to. I had received from Major B. F. Curry, the Superintendent of Cherokee Emigration, a list of his Appraising Agents, all of whom were re-

ported to be actively engaged in the discharge of their several duties.

On the 15th of Oct. John Ross and his party met at Red Clay, where General John E. Wool had been directed to attend with his military escort of United States Troops, to prevent any disorder or improper conduct which might probably occur.

On the same day, according to notice, various claims were presented, docketed and filed in proper order. And on the next day (being the Sabbath) we had Indian preaching in the old council chamber of the Cherokee Nation, to a very large and attentive congregation of Cherokee people. I continued thus to receive papers, and prepared for every class of business which could possibly be done by one Commissioner, and making myself personally and more fully acquainted with the Cherokee people, and in endeavoring to reconcile all malcontents with the liberal provisions of the treaty. I also visited the Indians in various parts of the country, keeping up at the same time all necessary correspondence, both with the Federal and State Governments, their officers and agents, until the 1st day of Dec., 1836, when Judge John Kennedy, of Tennessee, arrived and reported himself to me as Commissioner in the place of Governor Carroll, resigned.

I will not attempt to describe the trouble, labor and perplexity which had been devolved upon me alone for several months—all on account of the want of a co-commissioner. It is out of the line of my object to expose the faults of others unnecessarily, but this long suspense and burthen thrown on me was a gross deviation of duty on the part of the Federal Government.

All things considered, however, I figured that Judge Kennedy was by no means the inferior of Gov. Carroll in qualifications for the office. He had not the same weight of character and influence with the Indians, while he possessed a much greater stock of legal knowledge. I found Judge Kennedy throughout a pleasant colleague, and I believe he was from principle conscientiously disposed to discharge his official duties with honesty and uprightness.

It would be altogether inadmissible to encumber the mind of the reader with the various details of business performed by the Commissioners in the course of the next twelve months. Suffice it to say that no men ever labored with more untiring assiduity, met with, subdued and overcame more obstructions, some of which will be

illustrated hereafter by official documents and correspondence connected with the discharge of these duties.

From memorandums taken from the Books of Record, kept by the Commissioners, on the 23d day of October, 1837: The last judgment entered upon what we termed the Common Law docket was numbered 3801. On the same day we had decided favorably on 396 Indian claims for spoiliations. On the same day we had made advances under the Treaty to 3030 emigrating Indians, besides examining a vast number of claims for spoiliations which had been rejected. On the same day, from the register of payments, it appeared that we had made advances to nearly one thousand Indians who had actually emigrated. On Register B the first name was Thomas Sawgy, or Thomas McCoy, and Boiled Corn; the last being page 485. On the same Book B are entered the advances to persons who claimed to have rendered services to the nation, such as lawyers. The first advance to a lawyer was made to Spencer Jonakin, of Tennessee, on the 6th of Feb'y, 1837, and the last to James W. McClug, of Alabama, on the 19th of Oct., 1837. The whole number of advances made for lawyers' fees was to 21 different lawyers. On Book C the first valuation entered is to William Downing and the last to John Bean and Potato, page 477. The requisitions of the Commissioners may be seen on Book C, at the beginning of the Book—whole number of requisitions 16, the first in favor of myself and the last in favor of James Starr, dated the 4th Oct., 1837. The first dated March, 22d, 1837. Decision Book on the subject of valuations: the first is the case of George Still, and the last the cause of the Gunters: the first dated the 15th of May, 1837, and the last Oct. 1st, 1837, in my own handwriting. Decision Book on reservations: the first claim, Susannah Guarreneau on the 1st of June, 1837, the last the claim of the heirs of Joseph Phillips, dated Oct. 19th, 1837, having decided only six cases of this character.

My last official letter in this office was to C. A. Harris, and dated Oct. 23, 1837.

Dear reader, be not surprised at my placing what to you may appear strange and unintelligible memorandums in this place. These memorandums were taken from the books of the Commissioners' office, on the last day of my service in that office. And for the acts of the Commissioners up to that date my character is responsible. Up to that date my official act of that office will not only bear the most rigid scrutiny, but, if ever examined carefully by

competent judges, will bear testimony to the care and fidelity with which the business was transacted.

From the stage of the business and its progress to the time of my leaving the office, and from the extraordinary time this office was kept open after I left and from information which I have received on the subject, I entertain no doubt that much fraud and corruption found their way into this very office after I left it. I do not say that the Commissioners who succeeded me were corrupt; but I do say the office was kept up and a door left open for fraud sufficient to give just cause to believe that there was fraud and corruption somewhere in connection with this business.

I have been informed that many of the claims which were fully examined and rejected by Judge Kennedy and myself were reopened, and large sums allowed to the claimants. If these things be so, they were wrong. I fear some shared spoils which they were not justly entitled to receive. Thus it will be seen why I put these memorandums here. It is to shield my character from censure which is justly chargeable to others. Moreover, I would in this connection observe that the various record books to which I have referred ought now to be found deposited in the office of the Commissioner of Indian Affairs, at Washington; and if they are all in their proper place, free from mutilation, they will go far to detect many frauds which may hereafter be attempted on the Government.

The arrangement of these books, to suit all the various branches of business which devolved on the Commissioners, was planned and organized by myself, and if nothing like them can be found in any other office under the sun, yet I will venture to say they were well devised to prevent fraud, and easily understood by even Indians and plain common sense men.

I believed when I left that office that most of the important business connected with it had been transacted, and that what remained to be done was comparatively unimportant. And my opinion remains unchanged. I felt, however, considerable reluctance in resigning the office before a final consummation of the discharge of every duty appertaining to the office.

But I had been elected by the Legislature to the Senate of the United States, and felt it to be my duty to enter upon the discharge of the duties of that important appointment, and accordingly resigned the office of Commissioner.

At the request of Judge Kennedy, before I left New Echota I submitted to him the following suggestions in writing—and here follows that document.

Commissioners' Office,
New Echota, Oct. 24, 1837.

Views and opinions of Wilson Lumpkin, submitted at the request of his associate Commissioner, John Kennedy, Esq.

From experience and close observation, I am clearly of the opinion that the Commissioners ought to be more and more guarded in the exercise of their discretion in making advances of money under the provisions of the treaty. No advance should hereafter be made to any native whatever who is not actually ready, or earnestly engaged in speedy preparation for departure to the West. Nor should any advances be made upon powers of attorney to any person whatever, except in cases where the necessity of that course is obvious and manifest to promote the interest of the recipient. In all cases prosecuted by attorneys-at-law, or in fact, the Commissioners should cautiously guard the interest of the claimant from the avarice as well as the fraud of his attorney. And should fraudulent intent clearly manifest itself in the attorneys of absent claimants, from thenceforth such attorneys should not be permitted to prosecute claims before the Commissioners. The evidence given to the actings and doings of the Indian Committee ought to be curtailed—claims hereafter presented for spoliations ought to be scrutinized with the severity of a court of justice. Indeed, all claims hereafter presented will require the most rigid investigation, because the spirit of fraud is every day becoming more manifest. There cannot now remain very many omitted valuations. The attempts to establish such hereafter will in nine cases out of ten prove to be fraudulent. And changes in valuations already made should be admitted with great caution, and upon clear and satisfactory proof only. In all cases represented by white men, fraud may justly be suspected. Applications for increase of valuations should be resisted in ninety-nine cases out of every hundred—because in that proportion they are unfounded.

The books of the Commissioners' office should be perfected with all practicable dispatch, by carrying every proper entry which records will justify to the register of

payments. When that is accomplished, then, and not till then, the estimates can be correctly and fully made up and prepared for the use of the disbursing agent West, and the requisitions of the Commissioners be made on him accordingly in favor of the emigrants. According to the instructions of the Commissioners one complete copy at least of all their principal books of record ought to be made out as soon as practicable—to-wit: a copy of the Register of Payments, a copy of the Judgment Book, or common debt docket, a copy of the Spoliation Book, a copy of all decisions made by the Commissioners in other cases not herein before designated. I am confident that but a short lapse of time will be necessary to produce another rush upon the Commissioners for further advances of money, under the pretense of an increased spirit of emigration. This attempt, when it is made, should be cautiously considered, and prudently but sternly resisted, so far as it may be intended to mislead. This spirit will be gotten up by every description of persons who wish more money in circulation to answer their selfish purposes during the present winter—although they know that there will be but little emigration during the winter. The committee will most zealously endeavor to contribute to this state of things. Many of the white people, official and unofficial, will do the same thing. It will require an Argus eye to detect attempts at deception which will be made. Most of the blank books necessary for copying our records are already purchased and paid for, and are now in our office. We have three books of large size and excellent quality—just such as Register Book C, which will be amply sufficient for copying the whole of our judgments for debt, and perhaps all our decisions allowing spoliation claims. Our other decisions, upon all other subjects, might be embraced and placed on the books which we have already devoted to that purpose.

WILSON LUMPKIN.

Intending to submit a portion of my official correspondence in connection with this office. I have deemed it most expedient, for the information of those who may feel an interest in understanding and investigating this Indian subject, to insert in this place the last Treaty (of 1835) with the Cherokee Indians. It has been so often adverted to, and its liberal provisions asserted, that it is due to the reader, to have the Treaty itself before him.

Here follows the Cherokee Treaty of 1835.

ANDREW JACKSON,
President of the United States of America,

To all and singular to whom these presents shall come,
Greeting:

Whereas, a Treaty was concluded at New Echota, in the State of Georgia, on the twenty-ninth day of December, eighteen hundred and thirty-five, by Gen. William Carroll and John F. Schermerhorn, Commissioners on the part of the United States, and the Chiefs, Head Men, and people of the Cherokee tribe of Indians;

And whereas, certain articles supplementary to the said Treaty were agreed upon between John F. Schermerhorn, Commissioner on the part of the United States, and a delegation of the Cherokee people, on the first day of March, one thousand eight hundred and thirty-six, which treaty and supplementary articles are in the following words, to-wit:

Articles of a Treaty concluded at New Echota, in the State of Georgia, on the 29th day of Dec., 1835, by General William Carroll, and John F. Schermerhorn, Commissioners on the part of the United States, and the Chiefs, Head Men and people of the Cherokee tribe of Indians.

Whereas, the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled parts of the United States under the jurisdiction and laws of the State Governments may be terminated and adjusted; and with a view to reuniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers, without the territorial limits of the State sovereignties, and where they can establish and enjoy a government of their own choice, and perpetuate such a state of society as may be most consonant with their views, habits and conditions, and as may tend to their individual comfort and their advancement in civilization;

And whereas, a delegation of the Cherokee Nation composed of Messrs. John Ross, Richard Taylor, Daniel McCoy, Samuel Gunter and William Rogers, with full power and authority to conclude a treaty with the United States, did, on the 28th day of February, 1835, stipulate and agree with the Government of the United States to submit to the Senate to fix the amount which should be

allowed the Cherokees for their claims and for a cession of their lands east of the Mississippi river, and did agree to abide by the award of the Senate of the United States themselves, and to recommend the same to their people for their final determination;

And whereas, on such submission the Senate advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river;"

And whereas, this delegation, after said award of the Senate had been made, were called upon to submit propositions as to the disposition to be arranged in a treaty, which they refused to do, but insisted that the same "should be referred to their Nation and there in general council to deliberate and determine on the subject in order to insure harmony and good feeling among themselves;"

And whereas, a certain other delegation, composed of John Ridge, Elias Boudinot, Archilla Smith, S. W. Bell, John West, William A. Davis and Ezekiel West, who represented that portion of the Nation in favor of emigration to the Cherokee country west of the Mississippi, entered into propositions for a treaty with John F. Schermerhorn, Commissioner on the part of the United States, which were to be submitted to their Nation for their final action and determination;

And whereas, the Cherokee people, at their last October council, at Red Clay, fully authorized and empowered a delegation and committee of twenty persons of their Nation to enter into and conclude a treaty with the United States Commissioners then present at that place, or elsewhere, and as the people had good reason to believe that a treaty would then and there be made, or at a subsequent council, at New Echota, which the Commissioners it was well known and understood were authorized and instructed to convene for said purpose; and since the said delegation have gone on to Washington City, with a view to close negotiations there, as stated by them, notwithstanding they were officially informed by the United States Commissioner that they would not be received by the President of the United States; and that the Government would transact no business of this nature with them, and that if a treaty was made it must be done here in the Nation, where the delegation at Washington last winter *urged that it should be done* for the purpose of promoting peace and harmony among the people; and since these facts have also been corroborated to us by a

communication recently received by the United States and read and explained to the people in open council, and therefore believing said delegation can effect nothing, and since our difficulties are daily increasing and our situation is rendered more and more precarious, uncertain and insecure, in consequence of the legislation of the States; and seeing no effectual way of relief but in accepting the liberal overtures of the United States;

And whereas, General William Carroll and John F. Schermerhorn were appointed Commissioners on the part of the United States, with full power and authority to conclude a treaty with the Cherokees east, and were directed by the President to convene the people of the Nation in general council at New Echota, and to submit said propositions to them, with power and authority to vary the same so as to meet the views of the Cherokees in reference to its details;

And whereas, the said Commissioners did appoint and notify a general council of the Nation to convene at New Echota on the 21st day of December, 1835, and informed them that the Commissioners would be prepared to make a treaty with the Cherokee people who should assemble there, and those who did not come they should conclude gave their assent and sanction to whatever should be transacted at this council, and the people having met in council according to said notice;

Therefore, the following articles of a Treaty are agreed upon and concluded between Wm. Carroll and John F. Schermerhorn, Commissioners on the part of the United States and the Chiefs and Head Men and people of the Cherokee Nation, in general council assembled the 29th day of December, 1835.

Article 1. The Cherokee Nation hereby cede, relinquish and convey to the United States all the lands owned, claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoliations of every kind, for and in consideration of the sum of five millions of dollars, to be expended, paid and invested in the manner stipulated and agreed upon in the following articles. But as a question has arisen between the Commissioners and the Cherokees whether the Senate in their resolution, by which they advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their land and possessions east of the Mississippi river," have included and made any allowance or consideration for claims for spoliations, it is therefore

agreed on the part of the United States that this question shall be again submitted to the Senate for their consideration and decision, and if no allowance was made for spoliations that then an additional sum of three hundred thousand dollars be allowed for the same.

Article 2. Whereas, by the Treaty of May 6th, 1828, and the supplementary treaty thereto of Feb'y 14th, 1833, with the Cherokees west of the Mississippi, the United States guaranteed and secured to be conveyed by patent to the Cherokee Nation of Indians the following tract of country: "Beginning at a point on the old western territorial line of Arkansas Territory, being twenty-five miles north from the point where the territorial line crosses Verdigris river; thence down said Verdigris river to the Arkansas river; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand river, at its junction with the Arkansas; thence running south forty-four degrees west one mile; thence in a straight line to a point four miles northerly from the mouth of the north fork of the Canadian; thence along the said four mile line to the Canadian; thence down the Canadian to the Arkansas, thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river, and running thence with the western line of Arkansas Territory, as now defined, to the southwest corner of Missouri; thence along the western Missouri line to the land assigned the Senecas; thence on the south line of the Senecas to Grand river; thence up said Grand river as far as the south line of the Osage reservation, extending if necessary; thence up and between said south Osage line, extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded, the United States further guarantee to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country west of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extend.

"Provided, however, That if the saline or salt plain on the western prairie shall fall within said limits prescribed by said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees; and letters patent shall be

issued by the United States as soon as practicable for the land hereby guaranteed."

And whereas, it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole Nation on their removal west of the Mississippi, the United States, in consideration of the sum of five hundred thousand dollars, therefore, hereby covenant and agree to convey to the said Indians and their descendants by patent, in fee simple, the following additional tract of land, situated between the west line of the State of Missouri and the Osage reservation, beginning at the southeast corner of the same and runs north along the east line of the Osage lands fifty miles to the northeast corner thereof; and thence east to the west line of the State of Missouri; thence with said line south fifty miles; thence west to the place of beginning, estimated to contain eight hundred thousand acres of land; but it is expressly understood that if any of the lands assigned the Indians shall fall within the aforesaid bounds the same shall be reserved and accepted out of the lands above granted, and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

Article 3. The United States also agree that the lands above ceded by the Treaty of Feb'y 14, 1833, including the outlet and those ceded by this Treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post, and have no further use for the same, it shall revert to the Cherokee Nation. The United States shall always have the right to make and establish such posts and military roads and forts in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, and fuel and materials of all kinds for the construction and support of the same as may be necessary; provided that if the private rights of individuals are interfered with a just compensation therefore shall be made.

Article 4. The United States also stipulate and agree to extinguish for the benefit of the Cherokees the titles to the reservations within their country, made in the Osage Treaty of 1825, to certain half breeds, and for this purpose they hereby agree to pay to the persons to whom the same

belong or have been assigned, or to their agents or guardians, whenever they shall execute, after the ratification of this treaty, a satisfactory conveyance for the same, to the United States, the sum of fifteen thousand dollars, according to the schedule accompanying this Treaty of the relative value of the several reservations.

And whereas, by the several treaties between the United States and the Osage Indians, the Union and Harmony Missionary reservations which were established for their benefit are now situated within the country ceded by them to the United States, the former being situated in the Cherokee country and the latter in the State of Missouri: It is therefore agreed that the United States shall pay the American Board of Commissioners for Foreign Missions, for the improvements on the same, what they shall be appraised at by Capt. Geo. Vashon, Cherokee Sub Agent, Abraham Redfield and A. P. Chouteau, or such persons as the President of the United States shall appoint, and the money allowed for the same shall be expended in schools among the Osages and improving their condition. It is understood that the United States are to pay the amount allowed for the reservation in this article, and not the Cherokees.

Article 5. The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right, by their national council, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their people or such persons as have connected themselves with them; provided always that they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also that they shall not be considered as extending to such citizens and army of the United States as may travel and reside in the Indian country by permission, according to the laws and regulations established by the Government of the same.

Article 6. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee Nation from domestic strife and foreign enemies, and against intestine wars between the several tribes. The

Cherokees shall endeavor to preserve and maintain the peace of the country, and not make war upon their neighbors; they shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics and teachers for the instruction of Indians according to treaty stipulations.

Article 7. The Cherokee Nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner the rights guaranteed to them in this Treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians, in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States, whenever Congress shall make provision for the same.

Article 8. The United States also agree and stipulate to remove the Cherokees to their new homes, and to subsist them one year after their arrival there, and that a sufficient number of steamboats and baggage wagons shall be furnished to remove them comfortably, and so as not to endanger their health, and that a physician, well supplied with medicines, shall accompany each detachment of emigrants removed by the Government. Such persons and families as, in the opinion of the emigrating agent, are capable of subsisting and removing themselves, shall be permitted to do so; and they shall be allowed in full for all claims for the same twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of thirty-three dollars and thirty-three cents, if they prefer it. Such Cherokees as also reside at present out of the Nation and shall remove with them in two years west of the Mississippi shall be entitled to allowance for removal and subsistence as above provided.

Article 9. The United States agree to appoint suitable agents, who shall make a just and fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; and also of the ferries owned by them, according to their net income, and such improve-

ments and ferries from which they have been dispossessed in a lawless manner, or under any existing laws of the State where the same may be situated. The just debts of the Indians shall be paid out of any moneys due them for their improvements and claims, and they shall also be furnished, at the discretion of the President of the United States, with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee Agency west of the Mississippi. The missionary establishments shall also be valued and appraised in a like manner, and the amount of them paid over by the United States to the treasurer of the respective missionary societies by whom they have been established and improved, in order to enable them to erect such buildings and make such improvements among the Cherokees west of the Mississippi as they may deem necessary for their benefit. Such teachers at present among the Cherokees as this Council shall select and designate shall be removed west of the Mississippi with the Cherokee Nation, and on the same terms allowed to them.

Article 10. The President of the United States shall invest in some safe and most productive public stock of the country, for the benefit of the whole Cherokee Nation who have removed or shall remove to the lands assigned by this Treaty to the Cherokee Nation west of the Mississippi, the following sums, as a permanent fund for the purpose hereinafter specified, and pay over the net income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee Nation to receive the same, and their receipt shall be a full discharge for the amount paid to them, viz: the sum of two hundred thousand dollars, in addition to the present annuities of the nation, to constitute a general fund, the interest of which shall be applied annually by the Council of the Nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars, to constitute an orphans' fund, the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars, in addition to the present school fund of the Nation, shall constitute a permanent school fund, the interest of which shall be applied annually by the Council of Nation for the support of common schools and such a literary institution of a higher order as may be established in the

Indian country. And in order to secure as far as possible the true and beneficial application of the orphans and school fund, the Council of the Cherokee Nation, when required by the President of the United States, shall make a report of the application of those funds, and he shall at all times have the right, if the funds have been misapplied, to correct any abuses of them and direct the manner of their application for the purposes for which they were intended. The Council of the Nation may, by giving two years' notice of their intention, withdraw their funds, by and with the consent of the President and Senate of the United States, and invest them in such manner as they may deem most proper for their interest. The United States also agree and stipulate to pay the just debts and claims against the Cherokee Nation held by the citizens of the same, also the just claims of citizens of the United States for services rendered to the Nation, and the sum of sixty thousand dollars is appropriated for this purpose, but no claims against individual persons of the Nation shall be allowed and paid by the Nation.

Article 11. The Cherokee Nation of Indians, believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition, hereby agree to commute their permanent annuity of ten thousand dollars for the sum of two hundred and fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the Nation; and their present school fund, amounting to about fifty thousand dollars, shall constitute a part of the permanent school fund of the Nation.

Article 12. Those individuals and families of the Cherokee Nation that are averse to a removal to the Cherokee country, west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this Treaty for their claims, improvements and per capita as soon as an appropriation is made for this Treaty.

It is stipulated and agreed between the United States and the Cherokee people that John Ross, James Starr, George Hicks, John Gunter, George Chambers, John Ridge, Elias Boudinot, George Sanders, John Martin, William Rodgers, Roman Nose Situwake and John Simpson shall be a committee on the part of the Cherokees to select the missionaries who shall be removed

with the Nation; and that they be hereby fully empowered and authorized to transact all business on the part of the Indians which may arise in carrying into effect the provisions of this Treaty and settling the same with the United States. If any of the persons above mentioned should decline acting, or be removed by death, the vacancies shall be filled by the committee themselves.

Article 13. In order to make a final settlement of all the claims of the Cherokees for reservations, granted under former treaties, to any individuals belonging to the Nation by the United States, it is therefore hereby stipulated and agreed and expressly understood by the parties to this Treaty, that all the Cherokees and their heirs and descendants to whom any reservations have been made under any former treaties with the United States, and who have not sold or conveyed the same, by deed or otherwise, and who in the opinion of the Commissioners have complied with the terms on which the reservations were granted, as far as practicable in the several cases, and which reservations have since been sold by the United States, shall constitute a just claim against the United States, and the original reserve, or their heirs or descendants, shall be entitled to receive the present value thereof from the United States, as unimproved lands. And all such reservations as have not been sold by the United States, and where the terms on which the reservations were made, in the opinion of the Commissioners, have been complied with as far as practicable, they, or their heirs or descendants, shall be entitled to the same, they are hereby granted and confirmed to them; and all such reserves as were obliged by the laws of the States in which their reservations were situated, to abandon the same or purchase them from the States, shall be deemed to have a just claim against the United States for the amount by them paid to the States, with interest thereon, for such reservations, and if obliged to abandon the same, to the present value of such reservations as unimproved lands; but in all cases where the reservees have sold their reservations, or any part thereof, and conveyed the same, by deed or otherwise, and have been paid for the same, they, their heirs or descendants or assigns, shall not be considered as having any claims upon the United States under this article of the Treaty, nor be entitled to receive any compensation for the lands thus disposed of. It is expressly understood by the parties to this Treaty that the amount to be allowed for reservations under this article shall not be deducted out of

the consideration money allowed to the Cherokees for their claims for spoliations and the cession of their lands; but the same is to be paid for independently by the United States, as it is only a just fulfilment of former treaty stipulations.

Article 14. It is also agreed on the part of the United States that such warriors of the Cherokee Nation as were engaged on the side of the United States in the late war with Great Britain, and the Southern tribes of Indians, and who were wounded in such service, shall be entitled to such pensions as shall be allowed them by the Congress of the United States, to commence from the period of their disability.

Article 15. It is expressly understood and agreed between the parties to this Treaty, that after deducting the amount which shall be actually expended for the payment for improvements, ferries, claims for spoliations, removal, subsistence and debts and claims upon the Cherokee Nation, and for the additional quantity of lands and goods for the poorer class of Cherokees, and the several sums to be invested for the general national funds, provided for in the several articles of this Treaty, may the balance whatever the sum be, shall be equally divided between all the people belonging to the Cherokee Nation east, according to the census just completed; and such Cherokees as have removed west since June, 1833, who are entitled by the terms of this enrollment and removal to all the benefits resulting from the final treaty between the United States and the Cherokees east, they shall also be paid for their improvements, according to their approved value, before their removal, where fraud has not already been shown in their valuation.

Article 16. It is hereby stipulated and agreed by the Cherokees, that they shall remove to their new homes within two years from the ratification of this Treaty, and that during such time the United States shall protect and defend them in their possessions and property, and free use and occupation of the same, and such persons as have been dispossessed of their improvements and houses, and for which no grant has actually issued previously to the enactment of the law of the State of Georgia of December, 1835, to regulate Indian occupancy, shall be again put in possession, and placed in the same situation and condition, in reference to the laws of the State of Georgia, as the Indians that have not been dispossessed, and if this is not done, and the people are left unprotected, then the United

States shall pay the several Cherokees for the losses and damages sustained by them in consequence thereof. And it is also stipulated and agreed, that the public buildings and improvements on which they are situated at New Echota, for which no grant has been actually made previous to the passage of the above recited act, if not occupied by the Cherokee people, shall be reserved for the public and free use of the United States and the Cherokee Indians, for the purpose of settling and closing all the Indian business arising under this Treaty between the Commissioners of claims and the Indians.

The United States, and the several States interested in the Cherokee lands, shall immediately proceed to survey the lands ceded by this treaty; but it is expressly agreed and understood between the parties that the agency holdings and that tract of land surveyed and laid off for the use of Col. R. J. Meigs, Indian Agent, or heretofore enjoyed and occupied by his successors in office, shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe.

Article 17. All the claims arising under, or provided for, in the several articles of this Treaty shall be examined and adjudicated by such commissioners as shall be appointed by the President of the United States for that purpose, and their decision shall be final, and, on their certificate of the amount due the several claimants, they shall be paid by the United States. All stipulations in former treaties which have not been superseded or annulled by this shall continue in full force and virtue.

Article 18. Whereas, in consequence of the unsettled affairs of the Cherokee people, and the early frosts, their crops are insufficient to support their families, and great distress is likely to ensue; and whereas, the Nation will not until after their removal be able advantageously to expend the income of the permanent funds of the Nation; it is therefore agreed that the annuities of the Nation which may accrue under this Treaty for two years, the time fixed for their removal, shall be expended in provision and clothing for the benefit of the poorer class of the Nation; and the United States hereby agree to advance the same for that purpose, as soon after the ratification of this Treaty as an appropriation for the same shall be made. It is not, however, intended in this article to interfere with that part of the annuities due the Cherokees west by the Treaty of 1819.

Article 19. This Treaty, after the same shall be ratified by the President and Senate of the United States, shall be obligatory on the contracting parties.

In testimony whereof the Commissioners and Chiefs, Head Men and people whose names are hereunto annexed, being duly authorized by the people in General Council assembled, have affixed their hands and seals for themselves and in behalf of the Cherokee Nation.

I have examined the foregoing Treaty and, although not present when it was made, I approve its provisions generally, and therefore sign it.

Wm. Carroll,	L. S.
J. F. Schermerhorn,	L. S.
Major Ridge, his X mark,	L. S.
James Foster, his X mark,	L. S.
Tesa-ta-esky, his X mark,	L. S.
Charles Moore, his X mark,	L. S.
George Chambers, his X mark,	L. S.
Tah-yeske, his X mark,	L. S.
Archilla* Smith, his X mark.	L. S.
Andrew Ross,	L. S.
William Lapley,	L. S.
Cae-te-hee, his X mark.	L. S.
Te-gah-e-ske, his X mark,	L. S.
Robert Rogers,	L. S.
John Gunter,	L. S.
John A. Bell,	L. S.
Charles F. Foreman,	L. S.
William Rogers,	L. S.
George W. Adair,	L. S.
Elias Boudinot,	L. S.
James Starr, his X mark,	L. S.
Jesse Half-breed, his X mark,	L. S.

Signed and sealed in presence of

Western B. Thomas, Sec'y.
 Benj. F. Curry, Special Agent.
 M. Wolf Bateman, 1st Lt. 6th U. S. A. Ind. Disbg Agt.
 John L. Hooper, Lt. 4th Inf.
 C. M. Hitchcock, M. D., Assist. Surg. U. S. A.
 G. W. Curry.
 W. H. Underwood.
 Cornelius D. Terhune.
 John W. H. Underwood.

* So written in the manuscript, but probably intended for Ashel R. Smith, who was an original settler of Gwinnett County Georgia, as stated by Rev. Geo. White, in his *Statistics of Georgia*, p. 297.

In compliance with instructions of the council at New Echota we sign this treaty.

STAND WATIE,
JOHN RIDGE.

March 1, 1836.

Witnesses:

Elbert Herring.
Alexander H. Everett.
John Robb.
D. Kutz.
Wm. Y. Hansell.
Samuel I. Potts.
John Little.
S. Rockwell.

Whereas, the Western Cherokees have appointed a delegation to visit the Eastern Cherokees, to assure them of the friendly disposition of their people and their desire that the Nation should be united as one people and to urge upon them the expediency of accepting the overtures of the Government, and that, on their removal, they may be assured of a hearty welcome and an equal participation with them in all the benefits and privileges of the Cherokee country west, and the undersigned, two of said delegation, being the only delegates in the Eastern Nation from the West at the signing and sealing the Treaty lately concluded at New Echota, between their Eastern brethren and the United States, and having fully understood the provisions of the same, they agree to it in behalf of the Western Cherokees. But it is expressly understood that nothing in this Treaty shall effect any claims of the Western Cherokees on the United States. In testimony whereof we have, this 31st day of December, 1835, hereunto set our hands and seals.

JAMES ROGERS, (L. S.)
JOHN SMITH, his X mark, (L.S.)

Delegates from the Western Cherokees.

Test:

Benj. F. Curry,
Special Agent.
M. W. Bateman,
First Lieut. 6th Infantry.
John L. Hooper,
Lieut. 4th Infantry.
Elias Boudinot.

Supplementary articles to a Treaty, concluded at New Echota, Georgia, December 29, 1835, between the United States and Cherokee people.

Whereas, the undersigned were authorized at the General Meeting of the Cherokee people, held at New Echota as above stated, to make and assent to such alterations in the preceding Treaty as might be thought necessary; and whereas, the President of the United States has expressed his determination not to allow any pre-emptions or reservations, his desire being that the whole Cherokee people should remove together, and establish themselves in the country provided for them west of the Mississippi river:

Article 1. It is therefore agreed that all the pre-emption rights and reservations, provided for in articles 12 and 13, shall be and are hereby relinquished and declared void.

Article 2. Whereas, the Cherokee people have supposed that the sum of five millions of dollars, fixed by the Senate in their resolution of — day of March, 1835, as the value of the Cherokee lands and possessions east of the Mississippi river, was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators who voted upon the question, and, whereas, the President is willing that this subject should be referred to the Senate for their considerations, and if it was not intended by the Senate that the above mentioned sum of five millions of dollars should include the object herein specified, that in that case such further provision should be made therefor as might appear to the Senate to be just;

Article 3. It is therefore agreed that the sum of six hundred thousand dollars shall be and the same is hereby allowed to the Cherokee people to include the expense of their removal, and all claims of every nature and description against the Government of the United States not herein otherwise expressly provided for, and to be in lieu of the said reservations and pre-emptions and of the sum of three hundred thousand dollars for spoliations described in the 1st article of the above mentioned Treaty. This sum of six hundred thousand dollars shall be applied and distributed agreeably to the provisions of the said Treaty, and any surplus which may remain after removal and payment of the claims so ascertained shall be turned over and belong to the education fund.

But it is expressly understood that the subject of this article is merely referred hereby to the consideration of the Senate, and if they shall approve the same then this supplement shall remain part of the Treaty.

Article 4. It is also understood that the provisions in Article 16, for the Agency reservation, is not intended to interfere with the occupant right of any Cherokees, should their improvement fall within the same. It is also understood and agreed that one hundred thousand dollars, appropriated in Article 12 for the poorer class of Cherokees and intended as a set off to the pre-emption rights, shall now be transferred from the funds of the Nation and added to the general national fund of four hundred thousand dollars, so as to make said fund equal to five hundred thousand dollars.

Article 5. The necessary expenses attending the negotiation of the aforesaid treaty and supplement, and also of such persons of the delegation as may sign the same, shall be defrayed by the United States.

In testimony whereof, John F. Schermerhorn, commissioner on the part of the United States, and the undersigned delegation have hereunto set their hands and seals, this first day of March, in the year one thousand eight hundred and thirty-six.

J. F. Schermerhorn,	L. S.
Major Ridge, his X mark,	L. S.
James Foster, his X mark,	L. S.
Tah-ye-ske, his X mark,	L. S.
Long Shell Turtle, his X mark,	L. S.
John Fields, his X mark,	L. S.
James Fields, his X mark,	L. S.
George Welch, his X mark,	L. S.
Andrew Ross,	L. S.
William Rogers,	L. S.
John Gunter,	L. S.
John A. Bell,	L. S.
Jos. A. Foreman,	L. S.
Robert Sanders,	L. S.
Elias Boudinot,	L. S.
Johnson Rogers,	L. S.
James Starr, his X mark,	L. S.
Stand Watie,	L. S.
John Ridge,	L. S.
James Rogers,	L. S.
John Smith, his X mark,	L. S.

Witnesses :

Elbert Herring,
 Thos. Glascock,
 Alexander H. Everett,
 John Garland, Major U. S. A.
 C. A. Harris,
 John Robb,
 Wm. Y. Hansell,
 Sam'l J. Potts,
 John Little,
 S. Rockwell.

Now therefore, Be it Known, that I, Andrew Jackson, President of the United States of America, having seen and considered the said Treaty, and also the Supplementary Articles thereto annexed, do, in pursuance of the advice of the Senate, as expressed in their resolution of the eighteenth day of May, one thousand eight hundred and thirty-six, accept, ratify, and confirm the same, with the following amendments thereto, as expressed in the afore-said resolution of the Senate, "Article 17, lines 2 and 3, strike out the words 'by General Wm. Carroll and John F. Schermerhorn,' or in the 4th line of the same Article, after the word 'States,' by and with the advice and consent of the Senate of the United States." "Strike out the 20th Article, which appears as a supplementary article."

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington,
 this twenty-third day of May, in the
 year of our Lord, one thousand eight
 hundred and thirty-six, and of the In-
 dependence of the United States the
 sixtieth.

ANDREW JACKSON.

By the President :

John Forsyth,
 Secretary of State.

After my repeated avowals for many years past, when in various high official stations, and before the whole people of the United States, that I considered myself amongst the most devoted friends and benefactors of the Cherokee:

Indians, and that I would favor no measure or policy which was not designed or calculated to promote their best and permanent interest; and having acted the most efficient part in bringing about and consummating the foregoing treaty, I feel it my duty thus to submit the entire treaty, in connection with my own official acts on the subject, that an impartial posterity may have an opportunity of judging from deeds, as well as my words, in regard to my true spirit towards this deeply interesting people, the Cherokee Indians.

As an official mediator between them and the whites, in various instances of great importance, and deeply excited feelings on both sides, duty has called upon me to decide and act between men of these different castes. I never shrank from responsibility; I always acted promptly. I do not claim infallibility from error. My action on some occasions may have borne oppressively on the one side or the other, but none of my survivors, who may faithfully examine the whole history of the controversy between Georgia and the Cherokee Indians, will deny to me the just claim of having been as much devoted to the true interest and the just and reasonable rights of the Cherokees as to that of my own beloved Georgia, to whom I owe the deepest debt of gratitude for placing me in various positions of usefulness.

As will more fully appear from the correspondence which I intend to submit in connection with the discharge of my official duties as Commissioner under the Treaty of 1835, it is proper to state in this place something explanatory of the nature and causes of the extraordinary labor and responsibility which devolved on me. I had been instrumental in bringing about this Treaty. It had been negotiated and entered into by the most enlightened and best men of the Cherokee people. But it was bitterly opposed by John Ross and all his followers. Ross opposed it because it was negotiated by his rivals and because it did not recognize him as anything more than a *common Indian*. Moreover, he knew the popularity of his course with many of the popular men of the United States, as well as the ignorant and deluded fanatics everywhere. He therefore determined to make the most of his position. He determined to secure for himself and friends more money, and by these means gain the position to re-instate himself after the emigration to the West. And this he has effected by the bold stroke

of murdering the Ridges, Boudinot, and many others who were known to be opposed to his promotion.

The President and authorities of the United States determined honestly and faithfully to carry this Treaty into full effect, and so they declared upon all proper occasions; but in doing this, from first to last, the officers and agents of the United States, with the single exception of General Jackson himself, performed their duty in connection with this subject in a manner and in a spirit to conciliate and purchase the good will of John Ross and his associates.

They therefore treated Ross and his party with great deference and respect. Their deportment was such as to elevate Ross and his friends at the expense of prostrating the Treaty party. This to me was exceedingly offensive. Ross had been divested of his kingly reign as principal chief by the action of the State Government of Georgia; by the same action the majority of the Cherokees, including the larger portion of their intelligence, had become favorable to emigration, and had formed a very advantageous treaty accordingly. The treaty had been formally and duly ratified—which consequently made John Ross to all intents and purposes a *private* man. Yet all the officials of the United States, except General Jackson and a few of his personal friends, were Ross men at heart, and as far as their official position would allow they endeavored to elevate and strengthen Ross at the expense of the best interest of the Cherokee people. The military commanders who were sent to preserve the peace of the country, and to aid in the peaceable emigration of the Cherokees, in almost every instance took sides with Ross as far as they dared to go.

At the expiration of General Jackson's Presidency there was an obvious change in the tone of the authorities at Washington in regard to the execution of the treaty. "It is true," they continued to say, "the Treaty must be executed." But John Ross had now become principal chief. He was no longer a dethroned chief. He must be conciliated, not forced. I soon discovered that Mr. Van Buren was *too short in his stride "to tread in the footsteps of his illustrious predecessor."* The true state of this case is such as has never occurred before or since. Georgia had forced this state of things, not only upon the Indians but upon the Federal Government, before that Government was quite ready for this rapid ad-

vance to the consummation of Indian difficulties. The adjoining States to Georgia, interested as most of them were in the success of Georgia, rather reluctantly fell into ranks after Georgia had fought the battle solitary and alone. And yet Georgia had by many years' toil and exertion succeeded in bringing matters to a point where retreat was impracticable—wholly out of the question. Georgia now had the commanding position, and was resolved to hold it. I could have executed this Treaty, if I could have had the sole control, at one-third of the expense incurred, with more justice to all concerned and much greater benefit to the Cherokee people, by the single arm of the State of Georgia, with my friends General Coffee and Col. Bishop in the command of a few hundred sons of Georgia. Again and again I urged upon Mr. Van Buren and the Secretary of War, Mr. Poinsett, the necessity of using the imperative tone with John Ross and his followers. And they as often plead the great delicacy of the subject and the necessity of conciliating so great a man, with all his political associates throughout the United States. They were sustained in these views by their chief commander General Wool, and others, and I was viewed as rough, rank and uncourteous to the great Indian Prince, John Ross. Finally, after I took my seat in the Senate of the United States, I reluctantly yielded to their buying up Ross with more money and the parade of General Scott and his troops in the Cherokee country. Nothing induced me to yield thus far but the conviction that their bad management had produced a state of things which would end in blood and the extermination of a portion of the Cherokees, if their dallying policy was further pursued. And the result of this conciliating temporizing policy ended in the murder of the Ridges and Boudinot.

And after they were murdered I urgently pressed the President and Secretary of War to have their murderers punished. I was replied to with fair promises and expressions of deep regret. But here the scene closed; and the sun set in darkness on these base and horrid tragedies. But I will give portions of my correspondence, which will more fully elucidate and bear me out in all the statements made in connection with this subject. Many of my political friends and foes in Georgia censured me for my course in the Senate, in yielding what I did to Ross and the administration. Moreover, falsehoods were added to facts, by endeavoring to make the people of Georgia

believe that I was privy to an arrangement designed to keep the Cherokees still longer in Georgia. But all these false impressions I corrected on the floor of the Senate of the United States, as will be fully shown hereafter by my remarks made in the Senate at the time.

It is due to the cause of truth for me here to state that the disposition to misrepresent me on this subject is chargeable to those who had always acted with me in politics. The object of a few aspirants was evidently to force me from the political field, to make room for themselves. They felt like Mordecai had occupied the gate long enough. But their efforts only recoiled upon themselves, without injuring me in the slightest degree. For it was admitted from one end of the Union to the other that I had been the unfaltering and efficient instrument in removing the Cherokees to the West, as well as carrying into effect the general plan of Indian emigration from all the States to their new homes in the West. But without further anticipating what I am prepared to submit in an official and indisputable form, I will here introduce such portions of my official correspondence as Commissioner to carry into effect the provisions of the treaty as may be deemed necessary to establish beyond all doubt the truths of all the assertions I have made in connection with this subject. And when I have thus presented the official testimony I feel assured that every one capable of reading and comprehending what he reads will be convinced that I could in no other way have done myself justice on this subject. I encountered difficulties and obstructions at every step of my progress, which can be described in no other way but that of giving a larger share of my most important official correspondence.

CHAPTER XIV.

Official correspondence connected with the execution of the Cherokee Treaty of 1835.

Letter of leading Cherokees to Gov. Lumpkin.

New Echota, Ga., July 8, 1836.

To His Ex. Wilson Lumpkin.

Sir:—The undersigned have heard with pleasure that the President has appointed you one of the Commissioners under the 17th article of the Treaty with the Cherokees. Permit us to congratulate you in this instance of the President's confidence in your intimate knowledge and connection with our affairs for several years. Under this appointment, we think a most suitable one, and we have every assurance in the belief that the trust imposed upon you will be most faithfully executed to the *relief* and advantage of our suffering people. We need not apprise you that our situation calls for the most speedy measures. Our people are now in a wretched condition, and must have relief, and as the most suitable season for removal is fast approaching, it is very necessary that their affairs should be settled soon, and means placed within their power to effect their removal. We feel happy in assuring you, sir, that the Treaty has been well received, and that a large portion of the Cherokees are now very desirous to get off this fall, or quit so soon as their affairs and claims can be settled with the Government. We trust, therefore, that there will be as little delay as possible, and that we shall, ere long, hear that you and your associate are in this country, prepared to commence your arduous duties.

We are happy to add further, that the apprehensions entertained by some of hostilities by our people, have had no foundation. There have been many surmises and rumors calculated to prove injurious both to the whites and the Indians, but there have been no grounds for them from anything that the Cherokees have done or meditated. Our people have no idea of committing hostilities, or making trouble, either from anything they hear from the Creek

Indians, or anything resulting from the ratification of the Treaty.

We are, Sir, your friends and brothers,

A do hee X his mark.
 Stand Watie.
 Elias Boudinot.
 Major Ridge X his mark.
 James Foster X his mark.
 David Watie X his mark.
 De Satie dar ske X his mark.
 Bear Meat X his mark.
 Tru-nah-stoode X his mark.
 Walter Sanden X his mark.
 Jesse Half-breed X his mark.

Athens Ga. August 21st, 1836.

To the President of the United States.

Hermitage, Tenn.

Sir:—The nature of the official business upon which I address you, not admitting of delay, has induced me to forward this communication to your private residence (where I learn you are at this time on a visit) instead of sending it to the seat of the Federal Government. Since my appointment as one of the Commissioners under the Cherokee Treaty, I have heard nothing from my associate Gen. Carroll, although I wrote to him on the subject about one month ago, and have therefore been in suspense for some time past, in regard to the necessary arrangements preparatory to the discharge of our joint duties, the nature of which urgently requires vigilance and all practical promptitude on our part, in order to the best success in carrying out the provisions of the Treaty.

I have received several communications from the leading men of the Cherokee people, respectfully urging the necessity of a speedy adjustment of their unsettled affairs, referred to the Commissioners under the late Treaty. Having an associate, I have not been as definite on many points, in my replies, as I could have desired.

I was much pleased with the idea of having General Carroll for my associate—which lessened my reluctance in entering upon a business which from its nature must be troublesome and perplexing. I now have some apprehension that I shall not have the pleasure of his aid in this business, as I learn that he is engaged in other business

in the State of Mississippi, which will claim his first attention. The duties of the Commissioners in this Cherokee business cannot be longer delayed without detriment to the country. It must be attended to with fidelity and untiring perseverance, to effect the objects of the Treaty and prevent ultimate mischief.

Although I cannot decide upon a single claim of any description *alone*, I have arrived at the conclusion that my immediate presence and services in the Cherokee country are indispensibly necessary to the preparatory discharge of the public duties to which I have been invited, and shall therefore proceed to the country, with a view of discharging all such duties as may devolve on me, and which may be legally discharged without the co-operation of my associate. The claims of every description arising under the Treaty may be received and registered—all written testimony going to sustain claims may be received and placed on file. The supervising care over other Agents may be exercised by one of the Commissioners, to a prudent extent, &c. I hope in the meantime, however, that I may not be disappointed in my present anticipations, and that I may before long find General Carroll in this field of labor; but should any cause whatever prevent him from entering upon the immediate discharge of his duties as Commissioner, I must urge upon your consideration the importance and necessity of his vacancy being immediately filled by a gentleman, like himself, of high standing and qualifications.

Being desirous of seeing Maj. Curry, I shall proceed from this place to the Cherokee Agency and from thence proceed to New Echota, which will be my headquarters until I hear from you or the Government on this subject.

With the highest consideration and respect,

I am your most obt. servt.,

WILSON LUMPKIN.

Athens, Ga., August 22, 1836.

Hon. Lewis Cass.

Secretary of War.

Sir:—I leave here to-morrow for New Echota and the Cherokee Agency, with a view of entering more fully on the discharge of my duties as one of the Commissioners under the late Cherokee Treaty. The interest of the Cherokees and of the country will not admit of further delay in

this business. The duties of the agents of the Government under the Treaty must be discharged with fidelity and perseverance, or mischief will ensue. I have to regret that I have not been able to hear from my associate, General Carroll, although I addressed him on the subject of our joint appointment, &c., about one month ago. In order to prevent delay, I have this day written to the President of the United States and directed to his private residence (where I learn he is at present on a visit), informing him of my views and arrangements, and requesting that a suitable person may be appointed to supply General Carroll's vacancy, in case he has, or shall decline the appointment of Commissioner. I am fully aware that I cannot *alone* decide upon any claim under the Treaty. I may however receive and register claims, and the written testimony to sustain such as may be presented. Moreover, to a prudent extent I can pay some attention to the actings and doings of the different agents of the Government connected with the discharge of various duties under the Treaty, as I find the Cherokees are very desirous to have my presence and aid in furthering the objects of the Treaty. I have considered it my duty to enter as fully as may legally be done on the discharge of my duties and await the presence and co-operation of my associate.

I have the honor to be

Very Resp'ly Yr. Obt. Servt.,

WILSON LUMPKIN.

New Echota, Cherokee Nation, Ga.,

Sept. 9, 1836.

Hon. Lewis Cass,

Secretary of War.

Sir:—On the 25th of July last I entered upon the necessary correspondence to ascertain when and where the more formal and operative duties of my appointment as United States Commissioner under the late Treaty with the Cherokee Indians might be successfully prosecuted. Being unable up to the 30th ult. to hear anything whatever from my associate General Carroll, and having received a number of letters from Maj. Curry and many of the intelligent Cherokees, urging the necessity and importance of the presence and services of the Commissioners in this part of the country, I have accordingly proceeded to this place, having in my route obtained interviews with most of the

agents of the Government charged with duties connected with the execution of the late Treaty. I regret that I have not yet heard from my associate, although I have been writing to him for six weeks past, desiring to be informed of his intentions and views in regard to entering upon our official duties. Under my instructions, Col. Wm. H. Jackson, the gentleman appointed as secretary to the Commissioners, has accompanied me to this place. A prudent forecast admonishes me of the great importance and many advantages which will result from a systematic and well defined arrangement in transacting the business confided to the Commissioners under the Treaty. It would seem that the Treaty contemplated that the whole of the business of the Commissioners should be transacted at this place, and I will add, in point of geographical location and Indian population, it is unquestionably as eligible as any other point whatever. But neither this nor any other central point in the Cherokee country can at this time afford that reasonable and necessary accommodation which the nature of the business would seem to require. If the business is transacted here, it will become indispensable to have some repairs made to the dilapidated Cherokee buildings (one at least), to afford shelter and lodging to the Commissioners and secretary while they remain here engaged in transacting the business. These repairs, however, could be made at a moderate expense—perhaps for a sum not far exceeding one hundred dollars. Moreover, we find the expense of subsistence at this place, and indeed everywhere in this part of the country, greater than could have been expected. Traveling, sending expresses, employing interpreters, &c., will all add something to the daily expense of transacting this business. Upon all these matters I do not feel myself at liberty to enter upon any definite arrangements, until I can have an opportunity of consulting my associate, and ascertaining from the Government *how, when and where* these expenses are to be defrayed. Under these circumstances I have to request that I may be informed whether any allowance will be made for the expenses and subsistence of the Commissioners and their secretary and for the subsistence and expense of interpreters and expresses. I would further remark that none of the Cherokees named in the Treaty, to superintend the settlement of the claims arising under the Treaty, are able or willing to do so without compensation, while their services will be indispensable to a proper adjustment of their affairs,

It is therefore necessary that these men should be distinctly informed upon this subject. I have, and shall, in everything connected with my duty, have the most rigid regard to economy, and have not made the foregoing suggestions with a view of opening a door for the unnecessary expenditure of a single cent, but with a view of having a distinct understanding, which may prevent all difficulty in making a final settlement at the close of this business. So far I have used my private funds to meet the small expenditures which have occurred, but have to request that I may be instructed upon the subject of obtaining the necessary public funds. It is greatly to be desired that no further delay shall be permitted in the discharge of the duties which devolve on the Commissioners under the Treaty, and I very much regret the necessity of remaining here a single day in suspense.

I have the honor to be

With respect Yr. Obt. Servt.,

WILSON LUMPKIN.

New Echota, Sept. 10th, 1836.

Hon. Lewis Cass,

Secretary of War.

Sir:—I am still here in suspense, awaiting some information upon the subject of my associate Commissioner under the Cherokee Treaty, from whom I have not yet heard.

I have had frequent interviews with five members of the Cherokee committee, appointed in the late Treaty to transact the business of their tribe. I have some apprehension that the balance of the committee, being under the influence of Mr. John Ross, will decline serving. I however entertain the belief that if a faithful execution of the Treaty was in progress, it would soon overcome all prejudice and opposition, and finally be carried into effect without the aid of those strong measures which have become necessary elsewhere. It is very desirable that a majority of the Indian committee named in the Treaty should act, but I take it for granted that the execution of the Treaty cannot depend upon the uncertain contingency of the majority of an Indian committee performing the duties assigned them, and consequently shall feel myself authorized to transact business with the aid of such as will serve,

and such persons as may be appointed by them to fill vacancies.

The members of the Cherokee committee with whom I have conferred, and many other intelligent Cherokees, state that before the arrival of the disbursing officer of the Government in this country, they found many of the Cherokees suffering for the want of food; whereupon they have furnished their suffering people, until the arrival of relief through the Government was obtained. The value of the provisions thus furnished is estimated not to exceed three thousand dollars. For this timely act of liberality the Cherokees request that they may be reimbursed, and suggest that it might by your order be done out of the funds set apart in the 18th article of the Treaty for the subsistence of the indigent Cherokees. Upon an approach to the duties which devolve on the Commissioners, I daily find new questions arising, upon some of which I deem it necessary to trouble the Executive Government. In order to a proper adjustment of Indian claims under the late Treaty, and to facilitate the transaction of their business, it is deemed most expedient to assemble the claimants at this place, many of whom are poor and destitute, and must have subsistence while attending to the settlement of their claims. Therefore, I would respectfully inquire, is there any fund which could be placed under the control of the Indian Committee and Commissioners for the above purpose of subsistence? The Cherokees suggest that there are funds under prior treaties which might be thus applied. But whether there be any funds, and what funds that may be applied to this object, you can best judge. I deem the object of subsisting the Indians while here on business one of great importance to the poorer classes. There are many of the most intelligent and influential Cherokees who are fully competent to the management of their own affairs, and who are very desirous, as soon as their claims are settled, to receive all that may be due them under the Treaty. I will add, that if this desire can be granted, it will have a happy influence in favor of the Treaty with that entire class of the Nation.

I have the honor to be

Your obedient servant,

WILSON LUMPKIN.

New Echota, 12th Sept., 1836.

Brig'd'r Gen'l Wool.

My Dear Sir:—I have just had an interview with your express, Mr. Rogers. I have received nothing from the President. From what I can learn from Mr. Rogers, I entertain no doubt in regard to the course advised by the President. He will not be trifled with by John Ross. He will sustain your strongest views in regard to your rightful power to arrest all men and measures *palpably calculated to prevent the execution of the treaty*. Now is the auspicious moment to serve your country effectually in the important trust confided to your charge, and make yourself honored and respected by your whole country, and especially by all concerned with the late Cherokee Treaty.

In haste, yours very sincerely,

WILSON LUMPKIN.

General Wool:—I herewith inclose you sundry papers placed in my hands by Mr. Garrett on the subject of Ridge's Ferry. From these papers it would seem that Garrett is disposed to yield his claims to the civil authority and yet to obey and respect any military order to him directed by you. Garrett alleges that he will cease to run his ferry boat, provided Ridge will keep up the ferry and not disappoint travelers. But further states that Ridge is like the dog in the manger—that he will neither run his own boat, nor suffer him to run one. The papers, however, will place you in the possession of the facts, and may relieve you from further trouble in the case.

With great respect, your obedient servant,

WILSON LUMPKIN.

Athens, Ga., Sept. 24th, 1836.

To Andrew Jackson, President of the United States.

Sir:—I have just returned to this place, after spending a month in the Cherokee country, in efforts to render service connected with the discharge of duties confided to me as one of the Commissioners under the late Treaty with the Cherokees. You are doubtless apprised that my associate Commissioner, General Carroll, has not yet entered this field of labor, nor is he expected until some time next month (Oct.) The want of co-operation of my associ-

ate, from the nature of the duties *being joint*, has greatly retarded the progress and efficiency of my efforts to have in a successful train of progress the execution of the Treaty. No claim whatever under the Treaty can be adjudicated by a single Commissioner. And not a single Indian or family will emigrate until their claims are adjusted and settled. Many of the Cherokees (especially those having property) are very desirous to be on their way to Arkansas at as early a period as possible. They wish to remove this fall, before the commencement of the severe cold weather of winter. I have received and registered such claims as have been presented for the decision of the Commissioners, and placed the papers appertaining thereto on file, ready for the examination and decision of the Commissioners. Major Curry, the Emigration Agent, has all his appraising agents in the field, and I believe they are generally making as good progress in their business as circumstances will permit. The Emigration Agent appears to be devoted to his duty, with the requisite energy and ability. Without any direct information from General Carroll, in anticipation of his attendance, I have ventured to give public notice that the Commissioners will be in attendance at New Echota, on the 10th of Oct. next, for the purpose of entering more fully on their official duties, and have invited the attendance of claimants, &c. This step was deemed to be indispensable in order to the support and encouragement of the treaty making party of the Cherokees and their friends who are desirous to emigrate. Further delay on the part of the agents of the Government cannot fail to produce the most unfortunate results, by strengthening the opposition to the late Treaty.

Through General Wool, and other channels of information, you are fully apprised of the mischievous efforts of John Ross and his white associates to prevent a speedy and faithful execution of the late Treaty. This man Ross, sir, has already been the instrument in the hands of bad men to bring more than enough evil upon his unfortunate race — *the Cherokees*. I cannot believe the Federal Government so destitute of power as to permit a single individual to thwart and overturn its treaties, involve the Nation in war, blood and massacre, and produce a state of things which must eventuate in the certain destruction of a remnant tribe of the aboriginal race, to whom the United States stand pledged by every consideration of honor and duty arising under the strongest and most explicit treaty

stipulations. If the laws of the United States do not provide for the arrest and punishment of such men as Osceola, John Ross, &c., it is the solemn duty of the approaching Congress to take the subject into serious consideration.

Although the service is from its nature unpleasant and perplexing, I should feel that I was usefully and therefore advantageously employed in the business with which you have thought proper to honor me, as one of the Commissioners under the late Cherokee Treaty, provided a power could be somewhere lodged, and prudently exercised, to prevent the selfish, ambitious and lawless from thwarting the efforts of the agents of Government in carrying the Treaty into effect. The statements of Ross and others, that the late Treaty was made contrary to the will of a majority of the Cherokee people, is entitled to no respect or consideration whatever. In truth, nineteen-twentieths of the Cherokees are too ignorant and depraved to entitle their opinions to any weight or consideration. Moreover, their long established customs prevent the common Indian from exercising his intellectual powers upon such subjects. They have been and are still governed by the opinions of their leading men. If Ross could have effected a treaty last winter, to suit his own selfish purposes, on his return home his whole party would have received him with acclamations of approbation. Even the Treaty that was made was well received by the Cherokees, and would have been cheerfully acquiesced in by an overwhelming portion of the people, but for the late effort of Ross and his confederates of the white race. Ross received the countenance and support of many of the political men of the country. He is countenanced and sustained in his opposition to the Treaty by officers and agents of the Federal Government, and therefore his arrogance is not a matter of surprise. I have not yet heard the result of Ross' Council (which he should never have been permitted to hold), but I entertain no doubt of the result. It will be to delude the Cherokees, and throw obstacles in the way of executing the Treaty. He wishes again to figure at Washington, during the approaching session of Congress, and act the political part which may be assigned him. Under this state of things we may expect some difficulty in the Cherokee country; and, to check and prevent mischief, and to protect the red and white population in their respective rights, a military force of a full regiment at least ought to be kept up in the Cherokee country. If

United States troops cannot be spared for this service, the force should consist of volunteers from the respective States having Cherokee population—proportioned to the number of Indians in each State. Excuse me for the liberty thus taken, for I assure you I am actuated from motives of prudence and forecast, which, if duly considered, may prevent much evil. When I entered the Cherokee country of Georgia I assure you I felt some alarm at the excited state of feeling amongst many of the Georgians, on account of prejudice which they had imbibed against General Dunlap, of Tennessee, and some of his subordinates in command. Without expressing an opinion as to who was wrong or right, be assured that *stationary volunteers* from one State should not be quartered in another State. The contemplated service will not afford such employment to volunteer officers as to keep them from intermeddling with matters with which they have not been charged. I should be reluctant to attempt to discharge the duties of Commissioner assigned me in the Cherokee country, encountering the daring and cunning opposition of Ross, and have no force or protection at my command but men and officers believed to be more friendly to the schemes of Ross than they are to the objects of my mission, or that of the Government and administration under which I am acting. To prevent misapprehension, I deem it proper to state that I have entire confidence in the honor, integrity and ability of General Wool to discharge the duties of commanding general, which have been confided to him, and if he and the Commissioners can be sustained in the discharge of their respective duties—and be clothed at the same time with the necessary discretionary power and responsibility—the Cherokee Treaty *will be executed*. If we have to rely upon subordinate officers of the Federal Government for our rule of action, this Treaty will never be brought to a happy issue.

I have the honor to be, &c.,

WILSON LUMPKIN.

Athens, Ga., Sept. 24th, 1836.

General Wool. Dear Sir:

I have the honor to acknowledge the receipt of your favor of the 16th inst., for which I thank you. I have heard nothing further as to the result of Ross' council; but from the contents of your letter I can anticipate nothing

favorable to the quiet and prosperity of the Cherokees while under the pernicious control and influence of Ross and his partisans in mischief.

The late Treaty, however, will be executed, or it will be recorded "*that Georgia was.*" The rights of the Indians as secured by the Treaty will be scrupulously respected by the people and authorities of Georgia, but modification, abrogation or procrastination will not be listened to in this State. As a member of the Union, Georgia will lend her ready aid to any extent to the Federal authorities in aid of the execution of this Treaty, but if the Federal authorities should fail to sustain its own Treaty, and permit the factious opposition of Ross to retard the emigration of the Cherokees, the evils of such a result will not be justly chargeable to the long forbearing and much reviled State of Georgia. To protect the rights of all, and keep peace in the country, I have recommended to the President of the United States the policy of keeping up a considerable military force (sufficient to awe all opposition), until the hope of resisting the Treaty shall be entirely abandoned. It afforded me pleasure to state to the President my entire confidence in your ability and prudence for the command of such force. I did not, however, shrink from declaring my conviction of the impropriety of posting subordinate officers and agents of the Federal Government in the Cherokee country, whose sympathies and conduct was calculated to encourage the mischievous opposition of John Ross to the Treaty. Since I parted with you at New Echota I have become more fully impressed with the necessity of keeping up a larger military force than was then deemed necessary.

An efficient and well directed force, at this time, will prevent such catastrophes as we have witnessed with the Seminoles and Creeks.

I therefore deem it much better to encounter the expense at the beginning, and thereby prevent the effusion of human blood, than to expend the treasure of the country in the removal of these unfortunate people, after all the calamities of an insurrectionary war have afflicted the country.

If a sufficient number of U. S. troops cannot be detailed for the contemplated service in the Cherokee country, I have suggested to the President the expediency of calling for volunteers from the States in such proportions that it may not be necessary for the volunteers from one State to be stationed in another.

The indications of evil which we have already witnessed should admonish us of the inexpediency of raising volunteers in one State to protect the soil and people of another under the circumstances which are presented in the contemplated service. I trust this necessity will be avoided.

I have the honor to be, with high consideration and respect, your obt. servt.,

WILSON LUMPKIN.

Athens, Ga., Sept. 24th, 1836.

Benj. F. Curry, Esq.

Dear Sir:—After ascertaining that I should not be met by General Carroll until some time in October, I returned to this place, and have given notice through the public prints that I shall attend at New Echota on the 10th of next month, when I hope to be met by my associate. I have directed a paper containing my notice to be sent to you at the Agency, with a request that the notice may be inserted in an Athens (Tenn.) paper.

Since I saw you, I have written fully and without reserve to the President of the United States on the subject of the present state of Cherokee affairs. I did not fail to let the President know that you were faithfully engaged in the performance of your part of the public duty connected with the execution of the late Treaty. I have apprised him of the injury which has and will result from the absence of my associate, &c. I have not failed to enter my protest against the employment of men or officers in the military service connected with the execution of the Treaty whose sympathies are with John Ross and others who are opposed to a faithful execution of the Treaty. I have urged upon the President the expediency and my conviction of the necessity of keeping up a sufficient military force in the Cherokee country, to awe all opposition to the Treaty, so long as Ross and his party shall speak or think of hindering or retarding its faithful execution. I have spoken favorably (as I think he merits) of General Wool, but have not shunned to declare my want of confidence in many of the subordinate officers of the United States Army. I have also protested against the arrangement of volunteers from one State being stationed in another, so long as each State has a superabundance of men desirous of protecting and defending their

own soil and people. I have protested against Ross being permitted to hold councils intended to produce opposition or dissatisfaction amongst the Indians against the late treaty; and in case he should continue such a course I have urged the necessity of his arrest.

Moreover, if existing laws will not justify measures sufficiently strong to carry out treaties, I have suggested the necessity of legislation as soon as the approaching Congress shall be in session. I have apprised the Governor of Georgia of my views and the course I have pursued, &c., and informed him that Col. Nelson would willingly take the command of a Georgia regiment of volunteers, and that I would prefer him to any other officer for that service. Be assured we need force, and a force that feels disposed to support the administration and its agents.

I deemed this hasty sketch necessary to keep you apprised of my views, and hope we shall continue, as heretofore, to act with that concert and unity of feeling and action which may most effectually promote the public interest.

Very respectfully your obedient servant,

WILSON LUMPKIN.

Athens, Ga., Sept. 24th, 1836.

Governor Schley.

Dear Sir:—I have spent the last four weeks in the Cherokee country, on the business with which I am charged as one of the Commissioners under the late Cherokee Treaty. So far, the progress I have attempted has been hindered and embarrassed by the absence of my associate, who has not yet entered the field in this service, but is expected early in October.

I found the Cherokee party of Georgia in a state of general excitement, produced by various causes. The Tennessee troops under the command (in the first place) of General Dunlap gave much just cause of excitement to every man who feels the true spirit of a Georgian. His successor, General Wool, is a meritorious man and officer, and has healed some of the wounds inflicted by Dunlap and his subordinates. Before I left the Cherokee country every Tennessean and United States officer of the Army had left the soil of Georgia, and I trust (except General Wool) they will not again return to Georgia to insult the feelings of our people by abusing and slandering the Gov-

ernment and people of Georgia, and extolling John Ross and his political associates in iniquity.

You have doubtless heard of the high-handed opposition of Ross to the late Treaty. He tells his people that he still entertains the hope that the late Treaty will be abrogated and set aside—indeed he speaks of the late Treaty as a thing called a Treaty, but declares, that it is *no Treaty*, being, as he alleges, obtained by corruption and fraud—and broadly intimates that if his political friends should gain the ascendancy that the Cherokees will yet be re-instated in all their former rights and immunities. As ardently as I desire peace and quiet, I am constrained, from a deep sense of duty, again to embark in whatever strifes may be encountered in having the late Treaty fully executed and carried into complete effect. This business must now be settled and brought to a final close, let it cost what it may.

The situation of our people, as well as that of the Indians, demands the utmost promptitude and decision. A vacillating policy cannot fail of resulting in similar scenes to those which we have witnessed with the Seminoles and Creeks. Now is the auspicious moment to prevent these evils, and save the Indians, as well as the whites, from blood and massacre. I have this day written fully and without reserve to the President of the United States on this subject, and have volunteered my opinions and advice, and am ready to stake my reputation on the solidity of my views. I have said nothing to the President which can in any special manner claim any share of your official action, except the urgency with which I have desired the President to keep up a respectable and efficient military force in the Cherokee country. And if this force cannot be detailed from the United States Army, I have urged that the force which may be necessary in the Georgia part of the Cherokee country may consist of Georgians. I have protested in strong terms against Tennesseans being sent here to guard the people of Georgia. This step is absolutely necessary to prevent a much greater evil than that of Indian War. If I could have a Regiment of Georgians, commanded by Col. Nelson (and he is ready for the service), I could have the Treaty rapidly in a progress of execution and the Cherokees on the road to Arkansas.

Ross is still *all powerful* with the Indians, and he is a man that cannot be coaxed, but is very easily commanded, when he is sure that you have the power to con-

trol him. If a military force of the right material is not kept up in the Cherokee country—and that force properly employed—we shall have trouble in that quarter before the trees shed their leaves. Col. Nelson informed me a few days since that he believed there were upwards of a thousand Creek Indians at this time amongst the Cherokees; and I would suppose that the Cherokees have three or four thousand fighting men of their own, besides *white* allies amounting to a much greater number than the uninformed can suppose. This is an important subject of interest to the people of our new counties, and indeed it ought to be so, for a great portion of the population are liable to the massacres of the Indians at any moment. After the Presidential election is over, the present show of insolence and opposition to the late Treaty will subside—provided Mr. Van Buren is elected.

Most respectfully your obt. servt.,

WILSON LUMPKIN.

The following Address of Governor Lumpkin was submitted to the Cherokees assembled at New Echota, October 12th, 1836.

My Brethren of the Cherokee Tribe:

I have invited you to meet me here, in order to settle and adjust your business according to the terms and provisions of the late Treaty, entered into by a highly respectable delegation of your own people and the President of the United States.

I come not to negotiate a new Treaty, but to *execute* that which has already been made. If the duty which devolves on me is not faithfully performed, the failure shall not be chargeable to me, but to those who throw obstacles in the way of its faithful execution, and upon its faithful execution, be assured, my friends, greatly depends the prosperity of the Cherokee people.

Should any one advise you to delay in availing yourselves of the terms of the Treaty, demand of such person plain and substantial reasons to support the advice given; should any one advise you to resist the Treaty altogether, believe me, my friends, such advice, if followed, will end in evil; upon this subject procrastination is the thief of time, and cannot fail to operate to the prejudice of your best interests.

Although the terms of the Treaty cannot be changed

by us, its stipulations under which we are called to act is a proper subject for our consideration. The positive advantages which this Treaty holds out to the Cherokee people are many, and very important in their consequences. It settles a long standing and vexatious controversy—a controversy in which the Cherokees have already lost much, and were obviously by its continuance destined to lose everything valuable to man. This Treaty relieves your minds from uncertainty, and that painful state of suspense which is even worse than the positive evils of life. It secures to you a new and permanent abode, where I trust the white man will cease to trouble, and where the weary sons of the forest will be at rest. In place of this land of strife and vexation you receive a country very far superior in soil, production and many other natural advantages suited to the habits and condition of your people.

In your new homes you will be placed in a condition to revive and carry out your enlightened plans of self-government, which you commenced in this country, and which were arrested and overturned by the conflicting claims of Governments and people more powerful and strong than yourselves. The late Treaty provides for the payment of all your just debts, whether private or public; it provides the means for your removal and support in your new homes. You are to be paid for all your improvements of every kind. Moreover, a very large sum of money over and above all that has been named is set apart for your use as a national fund, which will be vested in profitable stock for the use of the Nation, and finally applied by your own wisdom to purposes of education, and such other public improvements as the good of your people may require. In a word, if this Treaty can be faithfully executed, it will enable the Cherokee people to commence anew their national existence under circumstances the most auspicious to their prosperity and national elevation.

Your new career may now be entered upon cheered by the hopes of all good men for your permanent prosperity. Suffer no despondency to bear upon your minds from a recollection of the ills of life through which you have heretofore passed; a door of hope and land of promise now lies before you; look not behind you, *look forward*. The native independence of your once mighty race, chastened as it has been by adversity, will only prepare you the better for that rank and condition among the bordering States which I trust at some future day may make you an ornament in the bright constellation of American States.

I very much regret the failure of General Carroll to meet me here, because it delays the settlement of your business. When I have certain information of the cause of his failure, it shall be explained to you; in the meantime I shall continue here, using my best exertions and constant labor to hasten the day when I may be able to say to you: Here is your money; your affairs are settled; depart in peace.

WILSON LUMPKIN.

New Echota, Oct. 18th, 1836.

Hon. Wm. Schley,
Governor of Georgia.

Dear Sir:

I am here, using my best exertions in furthering the execution of the late Treaty with the Cherokees.

My progress, however, has been very much impeded thus far, on account of the absence of the President of the United States and other officers from the seat of the Federal Government, and from the failure of General Carroll, my associate Commissioner, to meet me in this country.

But for these hindrances I could before this time have had a large company of the Cherokees on their way to their new homes in the West; as it is, I fear that but very few will emigrate this season, for we are now approaching the door of winter; my associate Commissioner not here, and I can get no reply to my communications to the Government at Washington. My determination to succeed, however, always gains strength, in due proportion to the difficulties and obstacles I have to encounter. This Treaty must be executed, and the sooner it is done the better for all the parties in interest. I have said this much to you, sir, in order to justify myself in calling your particular attention to the expediency and necessity of appropriate legislation on the part of Georgia in furtherance of the execution of the Treaty.

I find nothing short of proper legislation will restrain many selfish speculating men from obstructing the removal of the Cherokees. I allude to men who are and have been trading with the Indians to a very unreasonable and considerable extent. Men who for the sake of making large profits in trade have credited a great many of the Cherokees, under the expectation of pocketing what money may be coming to them under the late Treaty.

According to the provisions of the Treaty, the just debts of the Indians, contracted before the conclusion of the Treaty, can and will be paid. But it is debts contracted since to which I have reference, and which of course cannot be settled by the Indians here, because they can only receive before their removal a sufficient amount to discharge their debts which were contracted at the conclusion of the Treaty. Common sense and the nature of things forbid the idea that a treaty should provide for the payment of debts which indiscreet individuals of a whole country might contract in all future time. The same spirit of speculation and selfishness which have involved the Indians in these late created debts will not fail, under the existing laws of Georgia, to harass and oppress the poor naked Indian, when about to take his departure for the far West. Those disposed to emigrate are already threatened with bail writs, bail warrants, attachments, &c., &c.

Now, sir, humanity, justice, honor, every consideration, demands of our State such legislation as will sustain and carry out the late Treaty with the Cherokees. Should the laws of Georgia be used to oppress and hinder the Indians from emigrating when they are ready and willing to go, it will be a blot upon our beloved State which cannot be effaced by time. I beg leave to press this subject upon your consideration, and, through you, upon the consideration of the approaching Legislature. I am clearly of the opinion that our State Legislature ought to sustain the Treaty in all its parts. This course is due to justice. It is due to our character as a State. It is due to that portion of the Cherokee people who have taken the responsibility of making the Treaty. It is due to the present administration of the Federal Government, and therefore ought not to be overlooked by the authorities of the State. John Ross and his delegation are again going to Washington on an embassy of mischief, where he will act the part which may be assigned him by more wise and designing politicians. Should the Presidential election go into the House of Representatives, such auxiliaries as Ross may render some service in the casting vote of some one of the States.

I am, Sir, with great respect and consideration,
Yr. friend and humb. serv't,

WILSON LUMPKIN.

New Echota, Oct. 20th, 1836.

Governor Schley.

Dear Sir:—In my letter of yesterday's date, I omitted to call your attention, in a special manner, to the importance of extending the time specified in the act of the last Legislature for the grantees under said act taking possession of their lands, &c. I have not the act before me, nor have I ever examined its provisions carefully, but I understand that all natives may thereby be dispossessed of their homes some time in the month of November next. This provision should by all means be so changed as to harmonize with the provisions of the Cherokee Treaty—indeed, as I remarked in my letter of yesterday, our State Legislature should sustain the Treaty in all its provisions.

Respectfully, &c.,

WILSON LUMPKIN.

New Echota, Oct. 28, 1836.

Governor Schley.

Dear Sir:—I have been informed through Gen. Wool that my views as submitted to you and the President of the United States on the 24th ult., on the subject of the description of military force to be kept up in this country, has been sustained by the President of the United States, and that Gen. Wool has been instructed accordingly. The views of the General coincide with my own, and will without delay be communicated to you. Two companies of Georgia volunteers will be received for this service, and, as heretofore communicated to you, I am very desirous that they should be placed under the command of Col. Nelson, who enjoys the confidence and respect of the General. Some time past I received a letter from Col. Nelson, informing me that he had been authorized to raise a Regiment of volunteers for twelve months, and report himself to General Jesup; for what service he did not name, but I presume for the Florida service.

Having heard nothing from Col. Nelson since, I am at a loss to know anything further of his movements or destination, but incline to the opinion that he and his volunteers have not been called for in Florida. If Col. Nelson is not employed elsewhere, and in a service which he would prefer, I am very desirous that he should command the Georgia volunteers who may be detailed for

service in this country. If this arrangement can be effected, permit me to suggest the expediency of allowing Col. Nelson such companies from the volunteers, which he may have raised and organized, as he may deem best suited to the service contemplated. I have great confidence in his judgment and discretion in this matter, and should very much regret any unfortunate selections of officers or men, after having been instrumental in producing the contemplated change. Should you have an opportunity of conferring with Col. Nelson without delay, I feel assured that it will contribute much to the good order and harmony of the whole arrangement connected with this subject.

In the meantime, I shall write to Col. Nelson, provided, I can ascertain where he is. His rank and pay will probably be that of a major in the United States Army, and for twelve months. I feel great confidence that this contemplated arrangement will contribute much to the sustaining and faithful execution of the late Treaty.

If our Georgia laws, as heretofore suggested to you, can be so modified as to prevent all conflict with the provisions of the Treaty, I feel great confidence that much good will result from such legislation. Indeed, a peaceable and successful issue of all our Indian perplexities still depends, as heretofore, very much upon the action of our State authorities. And I therefore again suggest to you the importance of some further legislation, which in my opinion could not fail to crown the whole struggle with final and complete success. Let the Treaty be fully sustained by our Legislature, and let the same statute provide effectually for the prompt arrest and punishment of all persons, within the limits of the State, who may be found engaged in aiding, abetting, or encouraging in any manner, opposition to the due and faithful execution of the Treaty. Humanity and justice to the ignorant part of the Cherokees imperiously demands that their leaders should no longer be permitted to lead them to ruin and destruction. To advise, counsel or influence the Cherokees to resist the Treaty should be deemed and made a highly penal crime. If our laws could be so modified as to authorize the agents of the Government who are engaged in executing the Treaty to prevent all persons from furnishing the Indians with intoxicating drink of every kind, it would contribute much to the interest of every description and complexion of our population. If the Legisla-

ture will authorize destroying drinks, we will soon empty every keg and whiskey barrel designated to supply Indians. Small as this subject may appear to one situated as you are, I assure you we find it here a case of magnitude resulting in vile enormities.

I am, Sir, with great respect, yr obt serv't.,

WILSON LUMPKIN.

New Echota, Oct. 20th, 1836.

C. A. Harris, Commissioner of Indian Affairs,
War Department.

Sir:

I have this day had the honor to receive your letter of the 27th ult., in answer to my several letters therein referred to. I am still here with my secretary, Col. Jackson, engaged in all the various duties with which I have been charged by the Government, as far as those duties can be performed by a single Commissioner. I have no information from my associate, except what is contained in a letter of 9th Sept. which I had the honor to receive from the President of the United States, in which I am informed that General Carroll had assured the President that he would be here by the first inst. This delay of the other Commissioner is to be deeply regretted, from various considerations. The Indians who were disposed and anxious to remove the present autumn will be wholly disappointed, many of whom are men of property and large families. They have sold out their grain and provisions, purchased horses and wagons to emigrate themselves, and have now been waiting for weeks, to have their affairs adjusted and settled, in order that they might receive their dues under the Treaty, and embark for their new homes in the West. Maj. Curry is using his best exertions to have the valuations of their improvements completed, and has that branch of business already in such a state of forwardness that all those who are anxious to remove immediately could have their business adjusted at once—provided the other Commissioner was here, and the funds were here ready to make the payments in terms of the Treaty. Although much of the business confided to the Commissioners requires the joint action of both, and but little can be *completed* without the Commissioners, I assure you, sir, I have not been idle while here alone. I have re-

ceived and examined a great mass of papers and claims arising under the Treaty. I have made my notes on many of these papers, registered, arranged and filed them. I have had the Indian Committee here in session for ten or twelve days past, and have a great portion of the business in which they were expected to render aid in a state of preparation and forwardness.

If my associate was now here we could discharge the business of those Indians who are desirous to emigrate immediately with great expedition, the tedious and laborious part of their business being already in a state of forwardness and preparation. I know not who the disbursing agent will be to make payments to the emigrants and their creditors, in terms of the Treaty, but it is necessary that such agent should be in the country immediately. Being unapprised of the kind of funds in which payments may be made, I will take the liberty to suggest that I find funds of the banks of the several States are most acceptable to citizens, when on the banks of their own State. Some arrangement, therefore, to make payments to suit the recipients under the Treaty may be advisable. The Branch of the Bank of the State of Georgia (at Athens) would be acceptable to all the citizens of Georgia, and most convenient to much the largest portion of the Cherokee country. If I could have a suitable associate, and have the means afforded me of discharging my duty according to my instructions, this business should progress with all the dispatch and correctness of which its nature is susceptible, and such a course will best ensure a successful execution of the Treaty. Could the opposing part of the Cherokees witness the example of their more discerning brethren—availing themselves of the provisions of the Treaty—it would have the most powerful influence in inducing the ignorant to follow their example and yield cheerfully to the Treaty. I find from my correspondence with your Department that, under the existing mail arrangements, it is at least one month before I can get an answer to any communication which I may make. I would therefore respectfully suggest the great inconvenience which must necessarily arise in the execution of this Cherokee Treaty, if we are under the necessity of communicating to Washington every time a few hundred dollars may be wanting to meet the demand of payments under the Treaty. In regard to Mr. Boudinot's house, I will only remark that I regret to have requested any accommoda-

tion connected with my personal comfort which should have been deemed inadmissible.

Very respectfully your obedient servant,

WILSON LUMPKIN.

New Echota, Oct. 26th, 1836.

Hon. B. F. Butler,

Acting Secretary of War, &c.

Sir:

Having perceived through the newspapers that you are now at the head of the War Department, I have deemed it expedient to invite your attention to the subject of the execution of the late Treaty with the Cherokee Indians, being connected with that branch of the public interest as one of the Commissioners under the Treaty for settling claims, &c. I should be pleased for you to examine my several communications to the War Department and the President of the United States on this subject, from which you will perceive that I have been corresponding on the subject since July last, and am to the present day here in suspense and in want of the necessary aid and means to have the business in that train of advanced and successful operation which the best interest of the Cherokees and the good faith of the Government so obviously require.

The specific duty assigned the Commissioners under the Treaty, of deciding on claims, has been wholly retarded thus far for the want of an associate Commissioner. And various other duties with which the Commissioners have been charged in their instructions have, from their nature and a sense of delicacy towards others, been performed with less efficiency and promptitude than would have attended my progress if the entire responsibility had been placed on me alone.

Nevertheless, I have faithfully endeavored to effect all that could be done under the circumstances. And most of the duties assigned the Commissioners are in a state of preparation and forwardness which would greatly facilitate the completion of a large portion of the business, if I could have the immediate co-operation of an associate. A great mass and variety of claims and papers have been received, partially examined, registered and filed. The committee of Cherokees recognized by the Treaty have already performed a considerable share of labor referred to them.

under my supervision and advice, in regard to their proceedings. The valuing or appraising Agents have made considerable progress, and will in a few weeks more probably complete their returns. If my associate was now here, and the disbursing officer who is to make payments under the Treaty, I think we should be able still to emigrate a large company of the Cherokees this season, before the severe cold of winter will commence in this climate. I have no doubt but several thousand Cherokees are anxious to remove the present season, and would have gone, if their business could have been settled in terms of the Treaty. I still trust that all opposition to the Treaty will be overcome by mild or energetic measures; but Mr. John Ross, as you are apprised, is still engaged in plans of mischief. His Council, which he never ought to have been permitted to hold, has resulted in a plan to disturb the peace and quiet of the Western Cherokees. He will use every exertion to get his Western brethren to unite with him in an embassy to Washington, where he will again act the part which may be assigned him by wise, if not better, men. He should receive no countenance from the Government whatever, so long as he continues to persevere in his plans of hostility to the views and measures of the Government, as connected with Indian affairs.

To settle the affairs of the Cherokees under the provisions of the late Treaty is a most arduous and important undertaking. You will please to review my instructions, send me the aid of another Commissioner, and afford me the means of obeying my instructions, before I become wholly discouraged in an undertaking in which nothing but a sense of duty and a desire to promote the interest of the perishing Cherokees induced me to embark.

I have the honor to be, with great respect,

Your obedient servant,

WILSON LUMPKIN.

New Echota, Oct. 26th, 1836.

C. A. Harris, Esq.

Sir:—I have the honor to acknowledge your letter of the 3rd inst., enclosing a copy of General Wool's letter of the 12th ult., on the subject of reimbursing the Cherokees who have furnished their suffering poor with subsistence (to prevent their starvation) previous to the arrival of the disbursing agent of the Government charged with the duty

of attending to the wants of these suffering people; also on the subject of providing for the subsistence of the poor Indians who might attend on the Commissioners for the purpose of settling their business on terms of the late Treaty with the Cherokees. I will remark upon this subject, that at the time I wrote to the War Department on the subjects referred to, the contents of my communications were made known to General Wool, who was then at this place, and to the best of my recollection my letters were read to him, and if he had been as communicative to me as he has been to the War Department, a better understanding and greater concert of action would have been the result. From the instructions given to the Commissioners, greatly increased responsibility is placed upon them, by clothing them with the supervisory duties contained in their instructions. As one of the Commissioners, I feel great solicitude that this Treaty should be faithfully executed, and but for the interest which I have felt on the subject I never would have entered on the duties of the appointment. I am ready to risk my reputation in having this Treaty executed to the general satisfaction of the country, and of all the parties concerned, if I could be freed from the embarrassment of too many intermeddling and incompetent agents in the business, and have a suitable associate to co-operate with me, as was contemplated when I entered upon this business. General Wool's letter to which you refer, and a copy of which is now before me, clearly evinces to my mind, that while he takes a correct view of the necessity and importance of scrutinizing with vigilance all claims, amounts and disbursements connected with this business, in order to guard against frauds and impositions being practiced upon the Government, he has nevertheless overlooked the views and considerations to which I attach great importance in furthering and promoting in the most desirable manner the execution of the Treaty. I still believe, upon the strictest principles of justice and a fair construction of the Treaty, that my suggestions in favor of re-imbursing *Indians* who had subsisted the poor, and providing for the subsistence of the same description who may attend this place on business, can be most fully sustained by reason and sound policy. In recommending the course which I did upon this subject, I was influenced by considerations of *sound policy*, as well as justice. General Wool had informed me that the Indians who were opposed to the Treaty, although in a state

of suffering, generally refused to receive the subsistence provided for in the Treaty. I therefore concluded that they ought not to be permitted to act the part of the "dog in the manger;" that the better plan, yea, duty, demanded that the just wants of those who were disposed to comply with the Treaty should be attended to, and by this course I entertain no doubt that much of the opposition to the Treaty would be overcome; that its opponents would be influenced by the example of their yielding brethren, who were receiving advantages under the Treaty. Moreover, I entertain no doubt but the same policy ought to be pursued in relation to the clothing and blankets. I think it would be altogether wrong to press the reception of blankets and clothing upon that portion of the Indians who express a determination never to yield to the terms of the Treaty. I should deem it more wise and prudent to restrict the distribution of clothing to such as are actually preparing for emigration.

My plan is to disburse the seventy-two thousand dollars, chiefly and economically, extending over the two years, to the poor emigrants. I consider this provision in the Treaty connected with the emigration of the Indians. And if no preference is given to emigrants, the result will be that the whole of this provision will be used for the purpose of keeping the Indians in their present unpleasant abodes, instead of encouraging them to embark for the West. Those Indians and their leaders who are opposed to the Treaty have so far appeared to be inclined to peace, and unless they are encouraged, directly or indirectly, by white men, I do not believe they will ever think of hostile operations against our white population. Indeed, I have no doubt but the whole Cherokee people will peaceably yield to the late Treaty, if the Government and its agents perform their duty in executing the same. But it cannot be denied or concealed that up to the present day much has been omitted, and much done, which has been well calculated to retard and hinder the faithful execution of this Treaty. For two months past both of the Commissioners should have been here with all the means afforded them to discharge every duty with which they stand charged according to their instructions. But so far from that being the case, I am, after three months' suspense and correspondence, up to the present day, here alone, trying to effect all I can to sustain and carry out the Treaty. Yet my labors and operations remind me of a cart with but one

wheel. And the remedy is beyond my control. I have seen and felt the impropriety and mischievous effect of the course of things in this country, with nothing but nominal control over the evils complained of. Mr. Ross has received more respect and attention from the officers and agents of the Government sent here to aid in executing this Treaty than all other natives of the country put together. I am very far from desiring or advising harsh or unkind measures towards Ross and his followers, but I do protest, most solemnly protest, against the policy of officers and agents of the United States deporting themselves in such a manner as to impress the Cherokees with the belief that no Treaty can be made or executed without the sanction of Mr. Ross. I thought it wholly wrong to permit Ross to assemble his people for the express purpose of preventing them from yielding to the late Treaty, if the Government really intends to execute and carry it out. But I was still more mortified that during his Council of mischief he should have had a military guard thrown around him and his followers and receive from the officers of the Government respect and consideration which, under all the circumstances, I consider humiliating to the Government of which I am proud to be a citizen.

Very respectfully, your obedient servant,

WILSON LUMPKIN.

Spring Place, 20 miles north of New Echota, Ga.,

November 4th, 1836.

C. A. Harris, Esq., Commissioner of Indian Affairs,
War Department, Washington, D. C.

Sir:—Your two letters of the 10th and 12th of last month (October), together with the copies and extracts therein referred to, I received from the postoffice at this place yesterday. The frequent failures of the due arrival of even the weekly mails at New Echota induced me to visit this place, in search of news from Washington and elsewhere connected with my official duties in this country. I was gratified to find your communications above referred to at this place, and more especially after reading and duly considering their contents. But for the fact that I have not yet the slightest information from General Carroll, I should now indulge the hope of a successful progress in executing the Treaty. I have never received a word from General Carroll on the subject of our joint duties, although

I opened correspondence with him first in the month of July last.

Your instructions to General Wool and myself have my most hearty concurrence and approbation, and so far as I am concerned, you may assure the President my duty shall be promptly discharged. I will not consume your time by reiterating anything which I have heretofore suggested or urged upon the subject of executing the Cherokee Treaty, more than barely to remark that my opinions upon every point heretofore communicated remain unchanged; and I am happy to find that my views upon every important point coincide with the views and opinions of the President.

Having left most of my official papers and correspondence at New Echota, I am not able to quote precisely what I have heretofore expressed to you on the subject of funds and a disbursing officer to make payments under the direction of the commissioners, and in terms of the Treaty. In your letter of the 12th ult. you request me to forward an estimate of the sums that may be required for the payments which may come under the direction of the Commissioners. My want of a correct knowledge of the regulations, mode and manner of making such disbursements, I fear may have induced me to clothe my ideas heretofore expressed to you on this subject in language which may be construed into a desire on my part for the Government to depart from its usual regulations upon such subjects. Should this have been the case, permit me to remark that I had not intended to assume any suggestion on this matter which may be deemed incompatible with the fiscal duties of the Government. My only object is, and has been, that such arrangements might be made that no delay in the emigration of the Cherokees might occur for the want of funds being at command in this country to meet payments promptly as the demands of the claimants under the Treaty may require.

I had supposed, and believe I have heretofore suggested, that a sufficient amount of funds might be placed in two banks, one in Georgia and one in Tennessee, subject to the requisitions of your disbursing officer, and perhaps sanctioned by the Commissioners. In this arrangement the necessity of estimates, it would seem to me, might be dispensed with, and the difficulty of making anything like a near approach to accuracy in these estimates be avoided. With a view of simplifying the subject, permit me to re-

mark that if you will take a view of the present position of things, as I have communicated them to you, you will find it utterly impracticable for me to say, with any approach to accuracy, what amount will be necessary to make the legal payments in any given time. I don't yet know when my associate will be in the country.

With the procrastinations, disappointments, and near approach of winter, I am wholly unable to say what number of the Cherokees (if any) will be emigrated the present winter. My object, sir, is to prevent ruinous delay to the Cherokees. I have no partiality or preference to express in favor of any particular mode of transacting this business so that it may be consistent with justice and a faithful execution of duty.

Let the funds be placed within the reach of the officers and agents of the Government, and let not a dollar be drawn, except when needed to make immediate payments under the Treaty. But I beseech you to let us be relieved from forms of business which will produce further delay and procrastination, and I shall be content.

I am, Sir, very respectfully

Your obedient servant,

WILSON LUMPKIN.

Spring Place, Ga.,
Nov. 22d, 1836.

C. A. Harris, Esq.,
War Department.

Sir:—Your several communications of the 17th and 25th of October, and of the 4th and 5th inst., I have had the honor to receive, and they would have been acknowledged at an earlier day but for the continued non-attendance of my associate Commissioner. But having heard nothing to the present moment from Mr. Kennedy, except through your communications, I deemed it my duty thus to acknowledge your communications and to renew to you the assurance of my continued solicitude for a better progress in the execution of the Cherokee Treaty. Your letter of the 17th October, together with its enclosure, confides new duties to the Commissioners, to which I attach great importance; from the nature and responsibility of which I have deemed it expedient to suspend the exercise of any immediate action, until I can avail myself of the co-operation of my associate. You will, however, please to assure

the President that, so far as I am concerned, I cheerfully take the responsibility and "will try" to carry out his views (which coincide most fully with my own) in executing this Treaty. In the early part of this month, being in suspense on the subject of the non-attendance of my associate and the disbursing agent, I left New Echota on a tour of business connected with various branches of my official duty, in which tour I had the good fortune to meet with Doctor Minis, on the 8th inst., at Gainesville, in Georgia, on his way to New Echota, when and where I communicated to him verbally my views in connection with his official duties. From that place (look at the map of Georgia) I proceeded to Athens, in Georgia, for the purpose of making the necessary arrangements with the banks at that place to obtain readily the kind of funds which will become necessary in making satisfactory payments to the recipients under the Treaty. And I now have the satisfaction to inform you that Treasury drafts on the deposit Bank of Augusta, Ga., as suggested in your letter of the 5th inst., will, through the arrangements which I have made with the banks at Athens, be promptly cashed with funds to surt the payments under the Treaty (any part in specie which may be demanded). Therefore, Treasury drafts, as you have suggested, is all that is deemed necessary on this subject. And I have only to regret that this arrangement had not been made before so large an amount was authorized to be drawn from the deposit Bank of Tennessee, because much the greater portion of the recipients would prefer Georgia money to that of Tennessee. The reasons for this preference will readily occur to you from your own knowledge of business and commercial transactions. If you will examine the subject, you will readily perceive that my views are not founded in selfish or State considerations. From my present understanding of the subject, and the measures which have been taken to meet the payments under the Treaty, I trust a better understanding of the subject will hereafter enable us to progress without procrastination or difficulty on the subject of funds.

But while I perceive the propriety and duty of the Commissioners complying with your request, in regard to monthly estimates being furnished by them, I am, nevertheless, still laboring under the same difficulties heretofore pointed out to you. My associate is not yet here. Winter is at our door—the greater portion of the Indians who are desirous to emigrate immediately may not be able to get off before spring.

I readily perceive and entirely approve of the plan which you have suggested, in making the disbursements to claimants under the Treaty, and shall adopt the most speedy arrangement within my control to have the blank Book of Certificates which you suggest printed.

But when you take into consideration our location, the distance we are placed from a printing press, where such jobs can be speedily and well executed, and the causes which have heretofore paralyzed all my efforts in progress and preparation, your mind will readily be prepared for making all due allowance for the contingencies which may render the formal part of executing our duties less perfect than would under more favorable circumstances have claimed more consideration.

However, everything that my means can control shall be done to have this business not only correctly performed, but in conformity with the views and instructions which I have received from the Government.

The remittances which you have made are deemed sufficient for the present, and should Mr. Kennedy meet me shortly I will endeavor hereafter to furnish you with the estimates which you have requested. Under a view of the whole subject, you will please to express to the President of the United States my deep sense of the imposing obligations under which I am placed to the country by the confidence which he has reposed in the Commissioners, and to assure him of my unabating confidence that the present arrangement will in due time overcome every obstacle which may be in the way of a faithful execution of the Treaty, and that he shall be constantly advised of the actings and doings of the Commissioners in all matters, the importance of which may claim his attention and advice.

Very respectfully, &c.,

WILSON LUMPKIN.

Spring Place, Nov. 23rd, 1836.

Brigadier General John E. Wool,

Commanding in the Cherokee Nation.

Sir :

On my arrival at this place, amongst other communications, I find one of the 17th ult., addressed to General Carroll, accompanied by the copy of a letter of the same date to you from C. A. Harris, Esq., Acting Secretary of War.

I presume you have been furnished with a copy of the communication to the Commissioners above referred to, which will supersede the necessity of giving you extracts. Suffice it to say that I am fully impressed with a sense of the delicacy, difficulty and responsibility of the trust which has been confided to the Commissioners by the President of the United States. I shall, nevertheless, as one of the Commissioners, enter upon the discharge of the duties which have been assigned, with renewed hopes of succeeding in a faithful execution of this Cherokee Treaty, and saving these unfortunate remnants from the destruction which evidently awaits them, if they fail to avail themselves of the liberal provisions of the Treaty. My increased confidence of success arises from the fact that under the present arrangement I anticipate more unity and concert of purpose and action amongst all the officers and agents of the Government who are connected with the service of carrying into effect the Treaty. Although duly impressed with the magnitude of the responsibility which is assigned to the Commissioners, nevertheless I shall enter upon those duties sanguine of success—relying, as I do, upon my fixed determination to discharge my duties in that manner which will clearly prove to all that my intentions *at least* are right, and that I will be satisfied with nothing less from others than what I practice myself.

Of your good intentions, sir, in discharging your official duty in this country, I have never entertained a doubt. Therefore, I trust that in the exercise of the discharge of the duties assigned to me no jealousy will be indulged that I am disposed to cast censure upon those with whom I may differ in judgment upon any point connected with my duty. My duty will be discharged respectfully, but fearlessly, towards others.

Next to that of the Commissioners, your official position is the most important to the country in this whole matter—under the present arrangement all just cause for conflict of opinion is removed. Your legal military duties will be unshackled with civil interposition.

While the *plans* of executing the Treaty will devolve exclusively on the Commissioners, it affords me pleasure, however, to know, from the free and unreserved conversations which we have so frequently held on this subject, that our views upon the most important points seem so nearly to coincide. We both know that our business in this country is to execute a Treaty that has been already

made and ratified by the highest constituted authorities of our country. We have nothing to do with negotiation in this matter. We should hold no parly, nor give the least countenance to those who are disposed to set aside or weaken the stipulations of the Treaty. We owe it to ourselves, our Government, and every individual of the Cherokee tribe, to use our best exertions to strengthen the bands of the Cherokees who are friendly to the execution of the Treaty, and to suppress all opposition to it, emanating from caste and condition. We should say to all, the faith of our Government is pledged to execute the Treaty, and our duty is to sustain that pledge.

Permit me now, sir, to suggest some of the best means within our present control to effect our object as above set forth. The power of the sword is committed to your hands; you are placed in the position to coerce obedience to the legal mandates of the civil authority. Every officer and private under your command may by his department contribute his mite in causing the coercive power of the Government to be respected, and thus prepare and familiarize the minds of the whole Cherokee people to the necessity of yielding implicitly to the terms of the late Treaty. All this ought to be done in a spirit of parental authority and kindness.

In order to afford an opportunity to make the proper impression as last suggested, and to perform a duty which I deem to be important, I would suggest the expediency of your detailing such portions of the men, and under such commands as you may deem best, for the service and purpose of visiting, as soon as may be practicable, every Indian town or neighborhood in the whole Indian country. The object of this visitation is for the purpose: First, of communicating to the whole Cherokee people correct information in regard to their present condition—the Treaty must and will be executed, their rights respected and preserved according to the stipulations of the Treaty, and no further; the suffering poor amongst the Indians provided for, fed and clothed—upon the condition of their repairing to Headquarters, and placing themselves under the direction of the emigrating agent, and hold themselves ready for emigration whenever that can be done in the manner provided for by the Treaty. No subsistence or clothing should be furnished to any Indian who refuses to yield to its provisions.

Secondly, I deem it to be a matter of great importance that the military under your command should, with all

practicable dispatch, arrest and bring to Headquarters any Creek Indians who may be found in the Cherokee country who of right ought to be emigrated as Creeks; in order that they may be turned over to the proper officers or agents of Creek emigration. Should any Cherokee be found engaged in harboring, concealing or preventing the apprehension and delivery of the Creeks, as above suggested, upon proper proof of the same, such Cherokee will be considered and proceeded against as a person guilty of illegal opposition to the Treaty. From the information which I have received from various persons, entitled to credit, I cannot entertain a doubt of there being many Creek Indians at this time within the limits of the Cherokee country. I consider this an evil of great magnitude, and one which claims energetic measures.

My associate Commissioner not having yet met me, you will please to receive the foregoing frank and friendly suggestions in the good spirit in which they have originated. It may prepare your mind for my general views on the most important points which will hereafter come before us. I communicate to you as a unit in this business, and not authoritatively as a Commissioner legally authorized to enter upon duties which are joint.

I have the honor to be, with great respect,

Your obedient servant,

WILSON LUMPKIN.

Spring Place, Nov. 27th, 1836.

Dr. Philip Minis, U. S. A.,
Disb'g Agt. Ind. Dept.

Sir:

Yours of the 25th inst., by express, I have this moment received. I consider the amount of twenty-five thousand dollars entirely too small to justify the loss of time and expense which will attend the mode which you suggest for transporting that amount to New Echota. When payments are commenced under the Treaty, I shall not be surprised if we pay out one hundred thousand dollars the first week. The communications which I have received from the War Department, dated the 5th inst., assure me that two hundred and fifty thousand dollars will be immediately placed at Athens, Tennessee, for the purpose of making payments under the Treaty, and subject to your drafts, countersigned by one of the Commissioners.

Under the above view of the subject, I have deemed it most expedient for your express to return with the draft for twenty-five thousand dollars, without my signature, and suggest to you, as the best mode to effect the object which we both have in view (the speedy payment of the Indians who are ready to emigrate), that you immediately apprise the bank at Athens that it will be necessary for you to be furnished with one hundred thousand dollars, in ten days at farthest, or we shall be under the necessity of seeking funds through a different channel.

Should there be any hesitancy on the part of the bank, you will please to communicate it to me without delay. I can obtain funds elsewhere.

I entirely approve of your plan of having a sufficient escort, and as large a portion of the funds as may be reasonable in specie, and will request General Wool to furnish you with a suitable escort for the purpose set forth in your letter. I will send your letter to Mr. Tarvin immediately by a safe hand, and will forward anything that may be in the postoffice at this place for you by your express, who will immediately return with this communication.

I am very respectfully, your obedient servant,

WILSON LUMPKIN.

Spring Place, Nov. 30th, 1836.

Doctor P. Minis, U. S. A.,
Disb'g Agent, &c.

Sir:

Your favor of the 28th inst., by express, I have just received, and without loss of time have written to General Wool, by your express, requesting him to furnish you with a sufficient military escort to ensure the safe transportation of a large amount of funds from Athens, Tenn., to New Echota, and to report to you at the Agency without delay.

I approve of the present arrangement which you have made with the bank, and trust you will meet with no further difficulty in regard to funds; the banks must discharge their duty without defalcation.

I entirely approve of all the suggestions contained in your letter, and shall fill up and endorse the blank drafts forwarded by you for the sum of one hundred and fifty thousand dollars, that being the entire amount placed in the Athens Bank, Tennessee, subject to the control of the

Commissioners. The other hundred thousand dollars (making the amount named in my former letter to you on the subject) is subject to your drafts, when countersigned by Maj. Curry. Your express, on his return from New Echota, will be charged with this communication enclosing the draft, filled and endorsed by me for one hundred and fifty thousand dollars. In regard to the other hundred thousand dollars, you will do well to consult Maj. Curry.

I have the honor to be, respectfully,

Your obedient servant,

WILSON LUMPKIN.

Spring Place, Nov. 30, 1836.

Brig. General John E. Wool.

Sir:—You will please to furnish Dr. P. Minis, U. S. A., Disbursing Agent Indian Dept., with a sufficient military escort to insure the safe transportation of a large amount of funds from Athens, Tennessee, to New Echota. The escort will, with all practicable dispatch, report to Dr. Minis, at the Cherokee Agency East, Calhoun, Tennessee. Please to give me an answer by the express.

I have the honor to be, very respectfully,

Your obedient servant,

WILSON LUMPKIN,

U. S. Commissioner.

Spring Place, Dec. 1st, 1836.

Dr. P. Minis, U. S. A., Disb'g Agent, &c.

Sir:—General Wool refuses to furnish an escort to guard the transportation of the public funds, in conformity with my request as communicated to you in my letter of yesterday's date.

We shall therefore be delayed in progressing in our public duties, which I sincerely regret.

Very respectfully, your obedient servant,

WILSON LUMPKIN.

Spring Place, Ga., Dec. 1st, 1836.

To Andrew Jackson, President of the United States.

Sir:—I submit for your consideration and my instruction copies of communications which have recently passed

between Doctor Minis, General Wool and myself, marked from No. 1 to No. 3 inclusive. I have communicated to Dr. Minis the result of my call upon General Wool for an escort to insure the safe transportation of the funds referred to in the correspondenc. To General Wool's communication I have made no reply, verbal or written, considering it as I do, not only uncalled for, but as an indirect insult offered to the President of the United States as well as the Government and all its civil agents engaged in efforts to execute the late Cherokee Treaty. From my first introduction to General Wool in this country up to yesterday morning, I had considered our relations, official and personal, of the most amicable character. I have heretofore, at all times, conceded to General Wool the best motives and intentions. And when I have dissented from his opinions and official conduct, as connected with his public duty, I have been silent except in cases when I conceived my own official duty demanded a different course.

In General Wool's letter of yesterday's date, a copy of which is enclosed and marked No. 3, he commences: "I return to you the enclosed letter and order to furnish Dr. Minis at the Agency with an escort, &c." No other paper was enclosed or handed to me by General's Wool's express, except the letter, a copy of which I now furnish you, marked No. 2. Nor have I made any communication to him on the subject of furnishing Dr. Minis an escort, except the courteous note, a copy of which is hereinbefore referred to, being marked No. 2. The General's object is obviously a childish controversy upon the question, who shall stand at the *head of the class*. For myself, I am now growing old, in a long and careworn public service, and am therefore wholly disinclined to enter upon such boyish controversies.

I am most cheerful in conceding to the General all the rank and superiority of grade which may not be exercised in opposition to a wise administration of the affairs connected with our public duty in carrying into effect the late Cherokee Treaty. My confidence in the General's judgment, however, has been greatly weakened, ever since he suffered himself to be the organ through which Mr. John Ross communicated the insulting result of his mischievous Council to the Government of the United States.

Notwithstanding your instructions through the War Department of the 17th of October last to the Commis-

sioners, as well as to General Wool, you will perceive from the copy of the General's letter herewith submitted, that he still reserves to himself the right of judging whether the *requests* of the Commissioners will be acquiesced in or not. Now, sir, if the General continues to assume *his right*, contrary to your instructions of the 17th of October, I assure you that the stipulations of the Treaty will never be executed. My associate Commissioner not yet having been heard from, although I have sent an express for him several days ago, I have remained at this place as the best position to co-operate with Maj. Curry and carry on my correspondence, awaiting the arrival of Mr. Kennedy. In the meantime I have forbore communicating with General Wool on many points connected with what should be considered the joint duties of the Commissioners and himself. And according to my best judgment one of the most important duties (according to your instructions) which will devolve on the Commissioners will be that of planning and directing the operations of the military in aiding the civil authority to carry into effect the Treaty.

It will readily occur to you that public funds, stores and provisions, to a considerable amount, must be transported, guarded and protected by the military. When emigration commences, frequent escorts will be needed. Persons using illegal opposition to the Treaty ought to be arrested or turned over to the civil authority. From the best sources of information, I feel assured that a large number of Creek Indians are at this time in the Cherokee country. They ought to be arrested by the military, and turned over to the agents of Creek emigration.

All these, and various other duties, might be adverted to, to sustain your views in regard to preventing collision between the civil and military authority, as set forth in the communication of the 17th October, from the War Department. Let the Commissioners direct, and let the General execute, the legal requisitions they may make, unshackled by any authority which may be incompatible with military usage, and the regulations of the Army. I disclaim all disposition to assume any authority in this business which does not clearly devolve on me, and which is not demanded by the nature of the duties which are to be discharged. General Wool's temper appears to have undergone an entire change ever since he ascertained that you disapproved of his conduct in relations to Ross and his Council. Upon this subject, almost the whole country

sustains your views, and the General has been using every exertion to throw the blame from his own shoulders on yourself and the War Department. Of the correctness of this course you can best judge. Your instructions to the Commissioners, through the War Department, dated the 5th ult., on the subject of removing intruders from the Agency reservation when taken up by them, require the aid of the military in the execution of your orders. And I presume that General Wool will treat the Commissioners, if called on, as he has heretofore treated Major Curry on the same subject.

You will perceive that General Wool gives to my note, requesting of him an escort for Dr. Minis, the appellation of *order*, and may use as a subterfuge that the exception taken to my requisitions is predicated on the fact of my acting officially without the joint authority of the two Commissioners. Should such quibbles be attempted, I trust it will be recollected that the banks are directed to make advances on the drafts of the disbursing agent, countersigned by *one* of the Commissioners.

Therefore, if one Commissioner can unite with the disbursing agent, and legally procure money for making payments under the Treaty, it would seem to follow as a matter of course and reason that the commanding General should afford protection to the funds thus drawn. You will pardon the liberty which I have taken in addressing you directly, instead of through the usual channel of the War Department, from the consideration of the urgency and importance of the subject submitted.

I am, Sir, with the highest regard and consideration,
Your obedient servant,

WILSON LUMPKIN.

New Echota, Dec. 10, 1836.

C. A. Harris,

Commissioner of Indian Affairs.

Sir:—Herewith we enclose for the consideration of the President of the United States, or such officer or officers of the Government as he may direct, a communication submitted to us by the committee of Cherokees appointed under the Treaty of December, 1835.

We are destitute of the means of forming an opinion whether the committee are correct in the belief which they have expressed, in relation to the funds which they sup-

pose to be now due to their tribe, under former treaties. Of this matter the Government at Washington is doubtless prepared to make a correct decision. Should it be found on the proper examination that a sum exceeding fourteen thousand dollars is now due the Cherokee Nation under former treaties, as the Cherokee committee suppose, we do not hesitate in uniting with the committee, who are now acting as the recognized representatives of the Cherokee people, in recommending to the Government of the United States that these funds may be so used and directed as to further the views of the Government in aiding the faithful execution of the late Treaty.

Under every view of the subject it will be necessary for the Government of the United States to be guarded against any attempt John Ross and his party may make to avail themselves of the funds of the Cherokee people, to enable him and them the more efficiently to keep up their mischievous opposition to the late Treaty.

Should Mr. Ross again present himself at Washington, in the character of Principal Chief of the Cherokee Nation, the Government cannot recognize him as such, except at the hazard of casting censure on its own acts in the ratification of the late Treaty with the Cherokees. Mr. Ross not only pronounces the Treaty a corrupt fraud, but has declared it *null and void*. (Read his address to Gen. Wool at the close of his last council at Red Clay). Many claims have and will be presented for the consideration and decision of the Commissioners, the justice of which could be best decided by reference to the official records of the Cherokee people, and by the testimony of Ross himself, who has for many years past exercised all the essential and most important functions of the Government *himself*. He has in reality assumed to himself such powers as to make himself the Government of the Cherokee people. In establishing a claim against the Cherokee Nation, nothing more has for several years past been deemed necessary by claimants but to have the authority and sanction of Mr. Ross. The Commissioners feel the want of access to the Cherokee records, as well as information which can be obtained alone from Mr. Ross, on many claims predicated on services rendered the Cherokee Nation under the direction of Mr. Ross. But this individual keeps the records of his country closed from the inspection of every one who may not be disposed to coincide with his present views in opposition to the Treaty. And as to Mr. Ross' giving infor-

mation to the Commissioners, his character is too well known to them to justify such an application. We are clearly of the opinion that the Indian Committee designated in the late Treaty are the only persons that can be properly recognized by the Government of the United States and its agents as the present legal representatives of the Cherokees East, and would therefore respectfully suggest the propriety of intrusting the committee with any funds which may be due their Nation under former treaties, as set forth in their communication to us, hereinbefore referred to. It is true, as they have represented, that many incidental expenses have been incurred by them, and other expenses must necessarily occur hereafter, of a similar character, expenses, too, which would stand justly chargeable to the Nation whose interest they have been called to represent.

All of which is most respectfully submitted by

Your obedient servants,

WILSON LUMPKIN and
J. M. KENNEDY.

New Echota, Dec. 14th, 1836.

Major B. F. Curry.

Sir:

We have received your favor of yesterday's date, and with much pleasure have complied with your request. We had advised Dr. Minis to fill your blank with the sum of *one hundred thousand dollars*, and to have the same safely transported and guarded from Athens, Tennessee, to this place, and have directed a strong guard here for security of the public funds. We enclose you three papers, handed to us by General Hemphill, containing the receipts and certificates of James Liddell and P. W. Hemphill, Esqs.

We have received from the hands of Col. McMillan the book containing the Tennessee valuations, in one bound volume.

Mr. Lumpkin recollects a conversation held with you on the subject of record books, for this office, which induces him to believe that the blank books needed may be obtained through your kind agency with more facility than through any other channel at our command.

First, we are in immediate want of a large blank book, spring back, paper of the best quality, ruled in double columns, for the purpose of exhibiting on the same page the

whole of the debts and dues of each Cherokee, after the form spoken of by you and Mr. Lumpkin at Spring Place, and the receipts to be taken on the same page by the recipient writing his name opposite the amount paid. If such a book can be sent to us without delay, we will meet any proper charge or expense, and acknowledge your kindness in the matter.

We also need four such blank books as the one returned to Col. McMillan, containing the Tennessee appraisements.

We also want one ream of best letter paper; one ream of foolscap, ruled. If your health will allow of your attending to this matter, through the agency of your brother, and the books can be sent to us without delay, it will do us a personal favor and promote the public interest at the same time. If it is not convenient for you to comply with our requests, please to notify us without delay.

We know your disposition and fidelity to public trust, and therefore admonish you to take care of your feeble health.

Very respectfully, your obedient servants,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

New Echota,
Office of the Commissioners,
Dec. 14th, 1836.

Brigadier General John E. Wool,
Commanding in the Cherokee Country, &c.

Sir :

We find it indispensable to the most enlightened discharge of our official duty to have free and daily access to the papers and records of the Cherokee people, which we understood have been regularly kept for many years past, and are now in the possession of Mr. John Ross, or in the care of some other person selected by him for that purpose. Cases of deep interest are daily arising, connected with the general and individual interest of the Cherokee people, which, if the information given to the Commissioners is to be relied on, are involved in obscurity, for the want of the records herein referred to.

Indeed, many claims which are already before the Com-

missioners cannot be finally adjusted without access to these papers.

You are apprised that the Government of the United States, in the ratification of the late Treaty, have recognized the persons named in the Treaty as a Committee, and their successors in office as the legally authorized agents and representatives of the Cherokee Nation, to transact all the business of the Nation to the termination of the time that the Indians are to remain in their present abodes. Mr. John Ross is no longer recognized by the Federal Government as the representative of the Cherokees east, having declined to serve as one of the Committee under the provisions of the Treaty. Therefore, we recognize the Committee, or the members now engaged in transacting the business of the people, as the only legal representatives of the Nation, and as being entitled to all papers and records of the Nation which may be necessary to enable them to perform their official functions with facility and correctness. Moreover, we have just cause to believe that Mr. Ross will neither surrender these papers to us nor the Indian Committee, unless we use imperative measures.

We have, therefore, after mature consideration, deemed it our duty, under the plenary powers with which we have been clothed by the President of the United States, to use all prudent means to obtain the possession of all the papers and records hereinbefore referred to.

Now, sir, we are at a loss to devise any proper means for obtaining these papers without your official aid and assistance. To our minds, you hold the only prominent and proper position to obtain these papers. As to the mode and manner of discharging this duty, so as to produce the best effect in furthering the object of the faithful execution of the Treaty, we of course leave to your better judgment and discretion.

We are ready and willing to take the responsibility of the act of forcibly taking these papers, should force become necessary; and we hereby respectfully request that you will devise the plans and order the means which may be necessary to carry into effect the objects which we have hereinbefore set forth.

Our confidence in your judgment and ability to execute the desirable object of obtaining these papers induces us to forbear entering into any details in the way of advice to you. Suffice it to say, we consider this communication to you strictly confidential, and to be entrusted to none in

its execution but such as you fully confide in. Permit us, however, to add that the possession of these papers should first be respectfully sought by request to the person or persons in whose possession they may be found—prepared, however, at the same time, if the request be denied, to obtain them by force.

We have the honor to be, very respectfully,

Your obedient servants,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners, &c.

New Echota,
Office of the Commissioners,
Dec. 16th, 1836.

C. A. Harris, Esq.,
Commissioner of Indian Affairs,
War Department, Washington.

Sir:

With a view of keeping you advised of the state of affairs connected with our official duties, we submit the following: For the first time, both of the Commissioners unitedly entered upon business at this place on the 8th inst., since which time they have been assiduously engaged in the discharge of the variegated duties with which they are charged by the Government. The valuations of the improvements of the Indians are chiefly completed by the agents appointed for that purpose, and the books have been returned to Major Curry, the Superintendent, and most of them have been transcribed, and one-half at least are now before the Commissioners. But, unfortunately for the public service, Major Curry has for the last two weeks been closely confined to his bed by severe and serious indisposition, which deprives us entirely, at this important juncture, of the valuable services of this vigilant, able and most useful officer, occupying, as he does, the most important post at this time to render us efficient aid in making progress in the most desirable branches of the trust confided to our care. Major Curry being wholly unable to examine and certify the books of the appraising agents, we shall, as far as possible, supersede that necessity by our own personal examination and scrutiny. We are still receiving, registering and attending to claims for spoliations

—claims against the Nation, and claims against individuals of the same, as provided for under the Treaty. We have caused to be transmitted to this place sufficient funds to enable us to enter upon the various necessary payments provided for by the Treaty, and Dr. Minis, the disbursing agent, is now here in the discharge of his duties. We find, however, that emigration and making payments must be simultaneous. They must go hand in hand. Emigration must immediately follow payments. Therefore, we are the more seriously impeded on account of the serious indisposition of Major Curry, the Emigration Agent. No other individual can at this moment supply the place of Major Curry to advantage. He is intimately acquainted with every branch of his official duty—able, persevering and untiring. Thus we have been retarded in preparing one most important book. The General Register, or book from which payments will be made, cannot be prepared faster than we can procure material for that purpose, to suit the proper returns from the Valuing Agents, claims against the Nation, against individuals, and claims for spoliation. Many of the Cherokees are anxious to emigrate immediately, and are still hanging on us and begging for subsistence. We should do everything we can to hasten emigration, and but for the indisposition of Major Curry you would soon hear of a detachment being off for the West.

The complicated difficulties attendant on the successful management of this business can scarcely be conceived of by anyone at a distance from the scene of action, but we are not disposed to indulge in any apprehension of ultimate success. Under our present powers and instructions from the Government we are sanguine of the best success that the nature of things will admit of.

Under the 9th article of the Treaty, the Indians are to be furnished, at the discretion of the President of the United States, with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes. We suppose the Commissioners are now authorized to exercise this discretion, which will be exercised with great caution and due consideration in all the bearings on the subject. All the intelligent Cherokees, as well as those who assume to be such, are desirous of obtaining their dues as soon as possible. Therefore, we are fully aware of the necessity of being the more guarded in the exercise of this discretion, and shall extend it to none but with a

view to their individual benefit, and of furthering a faithful execution of the Treaty.

We have the honor to be respectfully,
Your obedient servants,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners, &c.

New Echota, Dec. 17th, 1836.
Commissioners' Office.

Mr. John Ridge,
President of the Indian Committee.

Sir:

The conference held with you yesterday, on the subject of the official duties and rights of the Indian Committee provided for under the Treaty with the Cherokees, induces us to submit to you in writing the views which we entertain on the subject, and which were in substance communicated to you yesterday in convention.

The Committee are charged with all the duties and clothed with all the power expressly pointed out in the Treaty, and no more. They have no plenary power. We were, therefore, surprised that an idea should be entertained by you, or anyone else, that the Committee was vested with power to determine and make *final decision* of the proper application of the sixty thousand dollars set apart for the payment of persons claiming to have rendered service to the Nation, as well as for other claims the Nation held by citizens of the same.

There is no duty which devolves on the Commissioners more intricate and difficult to discharge than to arrive at a just and enlightened decision on the very class of claims herein referred to. In order to discharge our duty correctly, the investigation of these claims will require the best lights and most deliberate consideration of which the Commissioners can avail themselves.

From the conversation held with you yesterday, one of the undersigned, Mr. Lumpkin, deems it his duty to advert to several facts which have now become matters of record. Mr. Lumpkin first met you here early in the month of September last. At the very first conference which he held with five members of your Committee, the question of filling the vacancies of the seven absent members of the Com-

mittee arose, when Mr. Lumpkin expressed to you his strong desire that the Committee should faithfully discharge the duties assigned them under the Treaty, and explained to the members present his views of the importance of the Committee discharging all their duties with the utmost fidelity to these people.

But, at the same time, Mr. Lumpkin, in the most explicit manner, informed the members present that if any one or more of the members of the Committee should fail or refuse to discharge the duties assigned them by the Treaty, that it would by no means hinder him and his associate Commissioner from the discharge of their duties, and that the execution of the Treaty in no degree depended upon the fidelity of the Indian Committee. And these views of Mr. Lumpkin were without delay communicated by him to the Government at Washington, and have been fully sustained by the President of the United States, all of which has been fully made known to you, from time to time, and without reserve, and which of itself, when taken in connection with the explicit terms of the Treaty, would seem to be sufficient to forbid the preposterous idea that the Commissioners of the United States should surrender the discharge of an imperative duty which devolves on them to one of the parties in interest, or to their authorized agents. Moreover, we find it our duty to advert to the fact that the Treaty failed to provide for the payment of the compensation and expenses of your Committee, and that Mr. Lumpkin, one of the undersigned, with zeal and earnestness, urged upon the President of the United States the expediency, the justice and the necessity of your Committee being reasonably compensated for their official services to the Nation, in settling their affairs under the provisions of the Treaty.

And upon this representation of Mr. L. to the President of the United States, the Commissioners were authorized to allow the Committee a reasonable compensation, not exceeding four dollars per day to each member, while in actual service, requiring at the same time the certificate of the Commissioners that the services had been actually performed according to the charge. Your records will show the number of days you were in session during your first term, or meeting, which was adjourned to a given day, with the expectation of both Commissioners meeting you by the day designated. But Mr. Lumpkin, after separating from you, received information which convinced him that the other Commissioner would not be in attend-

ance on the day appointed for your meeting, and immediately notified you of the same, and requested that you would postpone your meeting until you should be informed by him that both Commissioners were in attendance at this place. This information and request, although received, was disregarded by you, and you met in the absence of the Commissioners and transacted business according to your own views of expediency and propriety. Now, sir, most assuredly the Commissioners are not assuming more than will be conceded to them by all enlightened men, when they retain to themselves the right of judging to what extent your proceedings thus had shall be considered entitled to their official sanction as Commissioners.

The President of the United States has thought fit to vest the Commissioners with plenary powers, in all matters connected with the execution of the Treaty, and they feel the full force of the delicacy and responsibility of the trust confided to them, and have therefore taken great pains, and have felt deep solicitude, as you well know, to strengthen the hands, and add to the weight of character of the Indian Committee, who are friends of the Treaty. Yea, more, in all our official acts, we have recognized the Committee alone as the legal authorized representatives of the Cherokee Nation East to transact the business of the Nation arising under the provisions of the Treaty.

And further, you are aware of the measures we have taken to enable you more effectually to represent and serve your people to their great benefit.

Holding ourselves accountable to our Government for the expenditures which may be incurred in the sittings, &c., of the Indian Committee, we feel bound to reserve to ourselves the right of judging and determining when a convention and session of the Committee may be necessary to a faithful discharge of their official functions. In the absence of a general meeting of the Committee, we would advise that the officers of the Committee, to-wit, your President and Secretary, be authorized to transact such business as is customary for similar officers to transact under the Cherokee government, when out of council. This communication you will consider intended for the Committee as well as yourself.

Very respectfully, your friends,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

A due consideration of the last letter, hereinbefore recorded, like many others connected with this subject, will exhibit at once, and in a single letter, to the considerate and enlightened reader the variegated intricacy and importance of the duties which were devolved on the first United States Commissioners called to the work of executing the Cherokee Treaty of 1835.

First, this letter shows the difficulties which were devolved on me alone, for the want of a co-Commissioner. The whole labor and difficulty of organizing all the complicated machinery, books, &c., preparatory to the work of executing the Treaty, devolved on me alone. Moreover, the misconceptions of the Indians who were friendly to the Treaty had to be removed before any progress could be made. The Indian Committee, appointed to settle the business of the Cherokees, needed much instruction to prepare them for an enlightened discharge of their duty. Moreover, at the very threshold of studying the subject of this Treaty, I perceived the necessity of the Commissioners' being vested with plenary power from the Government, for in many cases the emergency required prompt action, a sound discretion, and a readiness to *take the responsibility*. All this, on being suggested, was cheerfully granted by President Jackson.

The foregoing letter will serve as one item of evidence to show the efforts which I made to raise and elevate the character of the Treaty party, by urging them to a faithful discharge of their official duty, as committeemen.

And while I shall never cease to bear witness to the honor and fidelity of Ridge and his party, when compared with any other portion of Indian people with whom I have had intercourse, it will be seen from this letter that it cost me great care, watchfulness and labor to prevent Ridge and his party from running into gross improprieties and extravagance. He and many of his friends had often been lobby members of Congress, and had acquired some taste for extravagance, especially when exercised at the expense of the Government. In a word, the Committee, instead of continuing to view themselves as a business committee, appointed to procure and investigate facts and report thereon to the Commissioners, aspired to the dignity of what they had witnessed in Congressmen. They wished the sessions of this Committee to be interminable. They admired the compensation of four dollars per day. They wished to get rid of the *tests* of the Commissioners

on their proceedings. They became pleasantly and gentlemanly assuming. It became necessary to correct their high notions and set them right.

The foregoing letter had the desired effect in accomplishing all that was desired. A few days only for reflection was all that was necessary for these noblemen of nature to love the friend who had chastised them in the true spirit and language of parental kindness. They laid aside their extravagant assumptions, returned to their sober duty, and no further difficulty occurred on that head.

Hastily written, Sep. 6th, 1853.

WILSON LUMPKIN.

New Echota, Commissioners' Office,
Dec. 18th, 1836.

Brigadier General John E. Wool,
Commanding in the Cherokee Nation.

Sir:—We find a growing disposition in the poor and needy Cherokees, who are now destitute of food and raiment, to flock to this place and press themselves on our consideration and care, as candidates for immediate emigration to the West. You are apprised of the serious indisposition of Major Curry, the Emigrating Agent, and the consequent want of preparation in that department for the immediate reception and enrollment of these persons.

We are clearly of the opinion that this is the important and almost exclusive point at which subsistence and clothing ought to be furnished to the poor and needy portion of the Cherokees. Such an arrangement would effect much in promoting emigration.

We therefore have to request that your skilful aid may be rendered us, by having as large an amount of rations as you can conveniently command transported to this place (without exceeding your funds for that purpose), and placed in store for the purpose suggested; and when we are prepared for their reception, we will say to them, "Come and partake of the bounty of the good," &c. We attach great importance to this arrangement, and shall confidently rely on your co-operation.

We have the honor to be,

Respectfully Yr. obt servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Sunday Evening,
Dec. 18th, 1836.

To Gen'l Andrew Jackson,

President of the United States.

Sir:—We have this moment received, by express, the painful intelligence that Major B. F. Curry departed this life on the 16th inst., after a serious and painful illness of several weeks. In the death of Major Curry the Government has lost one of its most faithful and valuable agents, and the loss comes at a time, and under circumstances, which makes it in some respects irreparable. His intimate knowledge of Cherokee affairs, as connected with his official station, cannot be imparted to another without loss of time; but his vacancy must be filled with the least possible delay. The present posture of Cherokee affairs, as communicated to the War Department a few days ago, produces at this time the greatest and most important press of business on the office held by Major Curry that has ever occurred or can again occur.

We are greatly at a loss to fix upon, or recommend, a suitable person for this important office at the present time. We therefore ask of the President, as a matter intimately connected with the discharge of the various duties assigned us, that no person may be appointed to succeed Major Curry who may not be acceptable to the Commissioners. The duties to be performed are too nearly allied to be well performed by conflicting materials. Under the powers already conferred on the Commissioners, they will not hesitate to make an immediate arrangement, not only for the safe keeping of the papers and records of Major Curry's late office, but for the transaction of business, until we are advised from the President.

The duties of the office not only require a gentleman of talents and business habits, but of untiring perseverance, energy and industry, as well as constitution to undergo great labor and fatigue, and above all, sound judgment and fidelity of character. We have the most entire confidence in the judgment of the President in this matter, but suffer us to say it might be better to fill the office temporarily, rather than to hazard any man not personally known to the President.

We are, with the highest regard and consideration,

Your obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota,
Dec. 18th, 1836.

George W. Curry, Esq.,
Cherokee Agency.

Dear Sir:—Mr. Hargroves has just arrived here from the Agency, and communicated to us the sad and melancholy intelligence of the death of your highly esteemed and much lamented brother, Major B. F. Curry. The subject is too serious for us to offer you the ordinary words of condolence. Suffice it to say for the present that we bear cheerful testimony to the official merit and fidelity of Major Curry's character, and mingle our sorrows with those of his family and kindred.

Under the authority of the President of the United States heretofore conferred on us, we feel ourselves fully authorized to, and do therefore, hereby confer on you the temporary charge and official care of all papers, books and records appertaining to the office of Emigrating Agent, lately held by your deceased brother.

Moreover, we would charge and advise you, in the most earnest and friendly manner, to be most scrupulously cautious and watchful over all papers and books confided to your care and keeping, and see that nothing be taken or withdrawn from said office which may be in any way or manner connected with said office, or the public interest.

We have communicated the occurrence of the vacancy to the President of the United States, and, till otherwise instructed, you will continue to discharge such official duties as appertain to the office as you were in the habit of discharging during the life time of your brother.

You will, in a special manner, give your attention to the making and completing the returns of the Valuing Agents, and have them forwarded to this place. If you received our communication on the subject of blank books and papers, please to let us hear from you on that subject.

We are,

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Jan'y 23d, 1837.

C. A. Harris, Esq.,

Commissioner of Indian Affairs,

Washington.

Sir:—We have had the honor to receive your several communications of the 29th and 30th ult. and 3d and 6th inst.

The Cashier of the Augusta Bank has notified us of the reception of the \$250,000 referred to in your letter of the 29th ult., which will be drawn from the Bank as it may be needed for making payments under the Treaty. But for the affliction and death of Major Curry, several thousand of the Cherokees would by this time have been on their journey, or already in their new Western homes. These afflictions, however, unavoidably put a total stop to all preparations in the Emigrating Department for two months. During Major Curry's illness, for four weeks, uncertainty of the issue kept everything stationary. After his death we were apprised that we could do nothing more than we have done, that is, have the office and papers taken care of, and have the returns of the valuations completed, transcribed, &c. If we had placed a person in the general discharge of the duties of the office, it would only have increased confusion, and have lessened the responsibility of the permanently appointed agent, without hastening the most desirable object of speedily emigrating the Indians.

Gen'l Smith, the newly appointed Emigrating Agent, has not yet reported himself to us, but we learn he is at the Agency, and have therefore directed Geo. W. Curry, Esq., to turn over to Gen'l Smith all papers and records appertaining to the office. We are ready and desirous to render any aid in our power to the Superintendent of Emigration, as well as to all other officers and agents engaged in this business, and shall do all that can be done by our efforts to promote the service in which we are embarked.

Your views of the necessity of concentrating all the offices connected with the execution of the Treaty at *one point* most fully coincide with our own views; and the preparations already made at this place for winter quarters and for transacting the business here seem to us to forbid the idea of any change from that place at the present. Therefore, the office of the Emigrating Agent and the records of the Agency ought to be removed to this

place without delay. Towards the approach of summer we shall probably find it expedient to remove higher up the country, as we hope by that time to have gotten off most of the Indians who reside convenient to this place.

We are gratified at the confirmation of Dr. Young's appointment, believing it to have been a judicious one.

The services of an additional disbursing officer are now necessary in this country, as payments will commence being made here to-day to a considerable extent, to persons capable of emigrating themselves and managing their own affairs with discretion. These persons have for some time past been anxious to depart. We also have some hundreds of the poor and destitute now here, ready to depart the moment that comfortable means of transportation are provided, and the necessary agents are ready to take charge of them.

These poor emigrants must be accompanied by a physician and disbursing agent.

We have done, and are still ready to do, all that can be done to expedite and push forward every branch of this perplexing business; but we now have before us some thousands of claims for adjudication arising under the Treaty, and while we are engaged in personal attentions to the discharge of duties confided to others, our legitimate business must of necessity stand still. Moreover, notwithstanding the plenary powers conferred on us by the President of the United States, it is too obvious to be concealed that the United States officers attached to the military are indisposed to co-operate harmoniously with our views and suggestions. These officers have not the interest which we have in this matter. This is the land of our homes, wives, children and friends. If troubles grow out of our Indian relations here, that which is most dear to us must suffer. The contents of your letter of the 6th inst., on the subject of Cherokee funds, shall be communicated to the Cherokee Committee.

We are,

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Jan'y 23d, 1837.

Gen'l Nathaniel Smith,
Cherokee Agency,
Calhoun, Tennessee.

Sir:—We have been notified from the War Department of your appointment to the office of Superintendent, &c., to fill the vacancy occasioned by the death of Major B. F. Curry; also of the appointment of John S. Young, to conduct the first detachment of emigrating Cherokees to the West.

We have been requested to render you every aid within our power to promote the efficiency of the service in which you are about to embark; and further, it has been recommended that your office and papers should be kept at the same place with that of the Commissioners and other offices attached to this service. Therefore, under all these circumstances, we have to request that you will, with all practicable dispatch, report yourself in person to the Commissioners at this place, in order to a free and full conference on all the various subjects connected with the official duties which now devolve on you. We shall cheerfully do anything in our power to render you efficient aid in the discharge of your official duties.

Let it be kept in mind that your office must be removed and kept at this place during the present winter at least.

In great haste,

Respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

New Echota, Jan. 24th, 1837.

Dr. Philip Minis.

Sir:—We have already daily complaints that the recipients under the late Treaty cannot obtain the kind of funds which are required to suit their convenience and interest. If these complaints continue, you, as well as the Commissioners, will incur the public censure. In order to a justification, we have to request that you will report to us, in detail, what kind of funds you received from the Tennessee banks, and also a detailed statement of the kind of funds you now have on hand, to wit: what

amount of specie you have on hand, and what amount of bills, and on what banks. If the deposit banks have forced unsuitable funds on your hands, it must be corrected. As to the funds hereafter to be drawn from banks, we must be consulted.

The payments under the Treaty must be made in funds to suit the recipients.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

New Echota, Jan'y 24th, 1837,
Commissioners' Office.

Brigadier Gen'l John E. Wool.

Sir:—As far as time and circumstances would allow, we have examined the list of names submitted to you by the Indian Committee as persons entitled to receive the benefit of the fund set apart for the benefit of the poor classes of Cherokees by the 18th Article of the Treaty of 1835.

We have great confidence in your judgment and discrimination in this matter, and frankly admit to you that other imperative duties have prevented us from scrutinizing this list so far as to place any great reliance on our conclusions in regard to the persons recommended to your favorable consideration.

Under all the circumstances, however, we would advise that the recommendation of the Committee be sustained.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

New Echota, Jan'y 27th, 1837,
Commissioners' Office.

Gen'l Smith.

Sir:—In reply to your note of this date we have to inform you that we found what is termed the public buildings at this place in such a state of decay and delapidation as to render them wholly unfit for public offices, and

have, therefore, been under the necessity of procuring such rooms as we could obtain from private citizens to transact the public business in.

Such repairs, we understand, have been made to the old public buildings at this place, by some of the officers of the Government, as to render them habitable, but, as this has been done by our assent, we cannot now, with propriety, incommode those who have had the buildings repaired. Therefore, we can only advise you to the course which we have pursued ourselves.

Procure the best and most convenient accommodation you can for your office, and rely upon the Government to reimburse you for any necessary additional expense. If we had accommodations suited to our own wants we would cheerfully divide with you, but we have none under our control. We shall be pleased to see you at our lodgings, and confer with you more fully on the subject of your note, at any time which may suit your convenience.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, Jan'y 30, 1837.

C. A. Harris, Esq.,

Indian Dept.,

Washington.

Sir:—In your letter of the 10th of October last, you state that the President has decided that the Indian Committee, under the 12th Article of the Cherokee Treaty of 1835, may be paid such a sum as the Commissioners may fix, not exceeding four dollars per day, for every day of actual service, the necessity for which will be certified by the Commissioners, or one of them, upon the accounts.

The Committee having gotten through with the greater portion of the services assigned them under the Treaty, and being now in great need of their compensation, they request that some arrangement may be made for them to receive their respective dues, before their departure for the West. The amount necessary to pay the Committee, including contingencies, paper, &c., will not exceed four

or five thousand dollars. We also enclose you a paper addressed to us by the Committee, on the subject of the expenses attending the execution of the Treaty, which we submit for the purpose of eliciting information, without remark or comment, on our part.

A great number of the most wealthy and intelligent men of the Cherokee Tribe have reported themselves to us as ready for emigration, and have requested the privilege of emigrating themselves and families in terms of the Treaty—perhaps 7 or 8 hundred souls. The good character, intelligence and standing of these persons clearly entitle them to the privilege which they desire under the Treaty, and consequently could not be denied.

We have not, therefore, hesitated to make them prudent advances to enable them to emigrate themselves and families comfortably. A large number of these persons are attached to both parties—many of the most reputable friends and adherents of Ross are amongst the number. There are also now at this place at least three hundred souls, of the common Indians, under the charge of the Superintendent of Emigration, and ready for their departure to the West. And many more in different parts of the country, we entertain no doubt, may be readily collected and brought to join this first emigrating party, under the provisions of the Treaty. Gen'l Smith, the Superintendent, is now here, and we have held frequent conferences with him, and endeavored to put him in full possession of all our views and information connected with his office; and we shall continue to communicate to him freely, whenever our opinions are sought.

Payments have already been made, to an amount exceeding one hundred thousand dollars, and will for some time to come continue to be heavy; therefore, a disbursing agent to accompany the emigrants is now wanting, and we trust will be furnished without delay. We have assured the emigrants, who are now about to leave for their new homes, that the Agent of the Government West would be ready to receive them, take them by the hand, and discharge every duty incurred by the Government under the stipulations of the late Treaty; and we trust in this we may not be disappointed, for much of our future success will depend on the fidelity of the Government in this matter. All the men of intelligence, character and property who are now about leaving for the West have been very urgent to get every dollar they could here, from the consideration above that they may

be delayed in receiving their just dues promptly after their arrival at the West. We have assured them that their apprehensions were groundless. The present company of emigrants is composed of many wealthy men, and we shall, at an early day, furnish you with an estimate of the amount which will be due the present party, on their arrival in the West.

Under all the circumstances in which we find ourselves placed, we consider it due to ourselves, as well as the Government in whose service we are engaged, to ask your attention to our present situation. The Cherokee Treaty of 1835 assigns to us, as Commissioners, the duty of deciding on all claims which may arise under the Treaty. Our instructions, from time to time, especially those of the 17th of Oct. last, have assigned to us greatly enlarged powers and duties; indeed, we are clothed with plenary powers, to supervise and direct anything connected with the execution of the Treaty. We have certainly neither sought nor declined any extra service imposed upon us in connection with the execution of this Treaty. The incidental duties, however, assigned to us in connection with our legitimate duties, we would have gladly waived but for the ardent desire which we have felt to witness the consummation of a treaty so important in its consequences to all the various parties in interest. In attempting, however, in the most unassuming and modest manner, to avail ourselves of the services of the military in carrying forward our views, we have found ourselves repulsed, if not insulted, in every attempt which we have made to obtain the co-operation of Gen'l Wool in execution of our views. When we had politely requested, as we conceived and intended, the aid of an escort to guard the public funds in their transportation from one place to another, our communication was treated with contempt—sent back, accompanied with a querulous, peevish insult, intended to insult the President as well as ourselves. When we have advised Gen'l Wool in regard to the disbursement of public funds under his control for the subsistence and support of the poorer classes of the Cherokees, and respectfully asked for information touching the disbursements made by him, the information has been withheld, and answers to our communications refused. We have received letters from Gen'l Wool on the most trivial subjects relating to the mode of issuing rations, &c., intended, as we believe, to produce controversy on subjects of no importance to the public interest. The

truth of all these statements is fully sustained by the correspondence itself, herein referred to, a part of which correspondence was forwarded by one of the undersigned to the President of the United States, and to which no official answer has been received from Washington. Our present object in calling your attention to the foregoing facts at this time is to justify ourselves in asking that we may be wholly relieved from the responsibility of the military operations in this country, as well as the discharge of the duties of the Emigrating Agent. Otherwise, let it be distinctly understood that the officers and agents of the Government referred to are not to be permitted to treat with insult and contempt our official efforts to discharge duties with which we have been charged by the President of the United States. We cannot, and will not, consent to be held responsible for the acts of those over whom we have no control. We would greatly prefer, after the 4th of March next, for it to be distinctly understood that our duties are restricted to what sums are to be assigned to the Commissioners under the provisions of the Treaty.

Under any circumstances, whether we are private citizens, or agents of the Government, we shall use our best efforts to have this Treaty faithfully executed, keeping constantly in view the obligations of the Government to the Cherokees, as well as the honor of the Federal Government, and the deep interest which people of the several States feel, in whose limits these remnants of the Cherokees now reside. This communication is made from a sense of duty, and not with a view of officially arraiging others, with a view to condign punishment. We are by no means singular in not being able to co-operate with Gen'l Wool, as it is well known here that he has constantly complained of every officer and agent of the Government here, since he entered this country, from the President down, who has had the misfortune to have to advise or instruct him in his operations. He seems never to understand things in the light in which they are intended, except, indeed, when he happens to be complimented or applauded.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Feb'y 6th, 1837.

John Ridge, Esq.,

President of the Cherokee Committee.

Dear Sir:—Under existing circumstances, we feel it to be our duty to call your attention, and that of your friends in whom you confide, to several subjects worthy of your serious consideration, all of which have been duly considered by us.

And first, we have, in the exercise of a most responsible discretionary power, made considerable advances to many of the Cherokee people who have reported themselves as being ready for immediate emigration, those advances being made out of their respective valuations, and being persons recommended to us by you and your Committee as persons of ample prudence and capacity to manage their own affairs to advantage.

It has been reported to us through various channels, some of which we are compelled to credit and respect, that the effect of these payments has been to increase drunkenness, gambling and disorder amongst the Cherokee people. Indeed, Gen'l Smith, the Emigrating Agent, has sent us a message requesting that no further advances be made to the Cherokees, until the moment for their departure to the West.

Moreover, it is reported to us that many of those who have enrolled for emigration are still here, spending their time and money in manner worse than useless. If these things be so, and we presume they cannot be denied, it is obvious that advances have been made to unworthy recipients, and will not a perseverance in such a course of making advances to unworthy and incompetent persons, deeply injure the friends of the late Treaty, as well as those who are charged with its faithful execution?

Those to whom advances have been made cannot be permitted to remain here in dissipation. Those who have enrolled for emigration must go, and no longer charge the Government with their detention.

No further advances will be made by us to any one, except it be such as have a right clearly to demand it under the Treaty. And we trust we shall not hereafter be annoyed and importuned by persons of doubtful pretensions to these advantages. You will please to read the Treaty and forbear from encouraging your people to ex-

pect more from us than the letter and the spirit of the Treaty authorizes.

Very respectfully your friends,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Feb'y 10th, 1837.

Hon. B. F. Butler,

Atty. Gen'l U. S.,

Washington.

Sir:—In pursuance of our duty as Commissioners for settling claims under the Cherokee Treaty of 1835, we wish to avail ourselves of the aid of your opinions in regard to the true and proper construction of that provision of the Treaty which provides for the payment of claims of citizens of the United States *for services rendered the Cherokee Nation*. We are not able to find any provision in the Treaty for claims of the above description, except what is contained in the 10th Article of the Treaty—which limits the amount which may be thus applied to the sum of sixty thousand dollars. The opinions of the Commissioners on this subject perfectly coincide. But our difficulty arises from the fact that attorneys at law, claiming to have rendered legal services to the Cherokee Nation, have already presented claims against the Cherokee Nation to an amount greatly exceeding sixty thousand dollars (none of which have as yet been allowed or paid). These lawyers urge that no limit, less than three hundred and sixty thousand dollars, can be found in the Treaty, to circumscribe their demands, and they appeal to Mr. Schermerhorn, who negotiated the Treaty, as authority to sustain their construction of the instrument.

We do not ask your opinion because of a doubt which exists in our own minds in regard to this subject, but we desire it as the highest legal opinion of the country, and therefore will be respected and yielded to as the highest authority. Allow us further to request that you would carefully examine the Treaty in reference to this particular class of claims, and suggest to us your views. First, what constitutes a proper claim for legal services rendered the Cherokee Nation under the Treaty. Second, to constitute such a claim, is it necessary that the claimant

should have been employed by the authority of the Nation?

We are greatly surprised at the number and complexion of the claims of this class which have already been presented for our consideration. Sixteen attorneys-at-law have already presented their claims for services alleged to have been rendered the Cherokee Nation, their demands varying in amount from one to upwards of thirty thousand dollars each. We are not alarmed at this unreasonable and dishonest attempt to defraud Cherokee people out of their national patrimony, and we mention these things alone to place you on your guard in making up your opinions on this subject.

We have the honor to be,

Very respectfully, yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, March 9th, 1837.

C. A. Harris, Esq.,
War Dept., Washington.

Sir:—We have received your letter of the 14th ult., acknowledging the receipt of our three letters therein referred to.

Gen'l Smith, the Superintendent of Emigration, has not yet returned to this place from Tennessee River, where he has been engaged for some time past in providing for, and starting, emigrant Cherokees to the West. We are therefore unprepared, until we receive his report, to give you a correct report of the emigrants who have actually left the country. Consequently we cannot at this time make up an accurate estimate for the War Department, or the Western Agents of the Cherokees. This can only be done after we have our accurate roll of the emigrants and their families who have departed for the West.

We have, however, in a train of completion the final settlement of all the business and claims of the emigrants which are to be adjudicated by us, which are already in such a state of preparation and forwardness as will enable us to prepare and forward at an early day all that

is desired, after receiving the report of the emigrating agent. Our work is in as great advance as the material afforded would allow.

As heretofore suggested to you, we are very desirous that the Government should promptly discharge its obligations to the emigrants, upon their arrival at their new homes; therefore, we shall strive to discharge promptly every duty which devolves on us, calculated to effect that very desirable object.

Dr. Minis did not arrive here until the 4th inst., which we apprehend will produce some embarrassment and expensive delay to the Superintendent of Emigration. On his arrival here with the \$250,000 received from the Bank of Augusta (as he reports verbally to us), we requested him to place these funds in the care of General Wool, after taking out the necessary amount to meet the estimates of the Emigrating Agent, and then proceed to Gunter's Landing, on the Tennessee River, to the immediate relief of Gen'l Smith. To this arrangement he assented, and accordingly left here on the 6th inst. Capt. Bennett, the disbursing officer, has reported himself to us by letter, and we are daily expecting his arrival at this place. In his absence General Wool has politely attended to such disbursements as were deemed absolutely necessary at this place, and will turn over the funds to Capt. Bennett on his arrival.

Upon the subject of our business location at this place, it is only necessary to state that imperative duty compels us to remain here for the present; and we are wholly unable to say anything definite at this time on the subject of a change. We now have the necessary records from the Agency to enable us to progress and transact our business. Since the late emigrants left here we have quite a calm.

Our future success, in regard to emigration, greatly depends on John Ross and his delegation now at Washington. If Ross receives such countenance at Washington as to induce him on his return to advise emigration, most of the Indians will gladly go; but if he is caressed and flattered at Washington he will retard emigration, and give the Government and its agents much trouble.

We still entertain the belief, however, that the Treaty can be fully executed, and the Cherokees removed in the face of all possible opposition, and without the effusion of human blood. From information already acquired,

we anticipate considerable difficulty in the adjudication of claims for compensation for reservations.

Whatever aid can be obtained from the records of the War Department going to establish the relinquishment of the claims of reserves would be useful to us. An heir of a reserver, Lewis Milton, has presented a large claim for the payment of a reservation, which you will find pointed out in the Double-head Treaty of 1806, providing for Lewis Milton and Charles Hicks. Our impression is that this claim is barred by the Treaty of 1817. Whatever evidence the records at Washington may afford calculated to aid in arriving at a just conclusion we would gladly avail ourselves of, as a great effort will be made by interested persons to impose upon the Government, and practice fraud. We are therefore preparing at every point to meet the expert showings of claimants and lawyers.

We have thus far postponed our decisions upon all the claims for reservations, with a view of collecting all the information we can upon this branch of our duty. Any information calculated to elucidate this subject will be useful to us.

We are, very respectfully,

Yr. obt servts.,
WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

New Echota, March 13th, 1837.

Hon. B. F. Butler,

Sec'y of War, *ad interim*.

Sir:—We have the honor to acknowledge the receipt of your letter of the 20th ult., accompanied by a copy of your letter of the 9th of January last, to Gen'l Wool. Your views, as expressed in your letter to Gen'l Wool, are precisely such as we understood to be the views of the President of the United States and Secretary of War. Judging as we do from all the communications heretofore made to us and Gen'l Wool on the several subjects to which they refer, our views coincide fully with your own, on every point.

At this time the personal relations between Gen'l Wool and ourselves are harmonious, and we trust will remain so.

Your letter to Gen'l Wool has doubtless had its desired effect; but we were not apprised of its contents, as you desired we should be, until the reception of the copy, which you have just sent.

We are deeply impressed with the importance of harmonious action amongst all the agents and officers of the Government engaged in this service of executing the Cherokee Treaty. Therefore, we have done, and shall continue to do, all that ought to be done by us to conciliate, so far as such a course may tend to promote the success of the service in which we are engaged.

By profession and practice we are men of *peace*, and nothing but a deep sense of public duty will induce us to complain of others, or take up arms in self-defence. We disclaim all unkind feelings to any one, but duty compels us to report to the Government such facts as stand connected with the public interest. An official responsibility to the Government necessarily compels us to report facts which, if concealed, would impede a successful issue of our official labor. This duty, however, of complaining of others, you may rest assured, is as painful to us as it can be unpleasant to the Government at Washington.

We are, sir, with very great respect,

Yr. obt servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, March 22, 1837.

Sir:—We have the honor to submit the following report and estimates, as the nearest approach to accuracy which the data in our possession will enable us to make.

Under the superintendence of the Emigrating Agent, 500 Cherokees embarked on board of suitable boats, at the Cherokee Agency, about the 1st inst., for Arkansas. The Indians were well provided for and left in good health and spirits.

A larger company of the most wealthy and intelligent have availed themselves of that provision of the Treaty which authorizes them to emigrate themselves and families, and set out for Arkansas a few weeks ago, by land. We estimate the number in this company at 600 souls,

which will sufficiently explain the cause of the heavy advances made to so small a number of persons.

They are persons, too, of undoubted prudence and economy, and in no instance within our knowledge have they made an indiscreet use of the money which has been advanced to them.

The settlement of the business and affairs of these emigrants has received our first attention, and has enabled us to complete, as far as practicable, a final adjudication of their business. With the exception of a few cases of litigation, their affairs may be considered finally settled.

From the time which has now elapsed since we first invited creditors to present their demands against the Cherokees, we presume that nearly all the just demands against the emigrants have been presented and adjusted.

The payment of individual debts which has been allowed against these emigrants will all be paid in the course of a few weeks. We can, therefore, with an approach to accuracy, estimate the amount of funds which will be necessary to make the required payments under the Treaty to those who have actually emigrated. We deem it indispensable to the attainment of the greatest accuracy that we should prepare and forward to your department, as well as to the proper agents out West, accurate duplicates from our register of payments, which will plainly exhibit the true state and standing of each emigrant's affairs, properly certified and officially signed by us. We are apprised that the mode herein suggested will give great additional labor to this office, but we deem it indispensable to our object to which we attach great importance, to wit: placing responsibility in the right place; and the speedy payment of the Cherokees after their arrival at their new homes. In the winding up of this business it will be our duty, and we have made our arrangements accordingly, to furnish complete duplicates of our books to the War Department and Western agents, which will enable each office to exhibit, at one view, the credits and debts of each individual Indian; what has been paid out by us, and to whom paid; as well as the amount which remains due to each individual after his emigration.

The money already disbursed under our direction has been to the following objects: First, the largest portion has been allowed to persons deemed capable of emigrating themselves and families. A large portion of these have already gone, and the balance are now making their preparations for departure in the course of the present

year. The policy of making prudent advances to the wealthy and intelligent has gone far to remove all opposition to the Treaty among the most influential classes of the people. The great body of the intelligent who have been reimbursed, with the opponents of the Treaty, have now become recipients under its provisions, and consequently their tone and temper have been greatly changed.

Second. We have made advances of one-half their dues to some forty or fifty persons who have determined to become citizens of the States, and the balance now due these will have to be paid in a short time, in conformity with the stipulations of the Treaty in reference to such persons. These are also in good circumstances, and consequently the payments to them consume funds pretty fast.

Third. We have adjudicated and paid a portion of the national debts.

Fourth. We have paid for a part of the missionary establishments.

Fifth. The expenses and compensation of the Indian Committee and a portion of the expenses attached to our office have been paid.

The aggregate of the whole of these advances amount to about the sum of \$300,000, which leaves a balance of the \$400,000, subject to our order and disbursement, of \$100,000. This sum, however, will, every dollar, be disbursed very soon. It is now applicable to the payment of \$100,000 of individual debts which have already undergone final adjudication, and stands charged against the respective individuals against whom they have been adjudged. Moreover, we shall continue to make advances to such Cherokees as are capable of emigrating themselves and who are actually preparing to go, as well as to those who may be allowed citizenship in the several States. Under this view of the subject as herein presented, we request (without delay) that the further sum of \$400,000 be placed within our reach and control, subject to our order, for all of this amount will probably be needed on or before the middle of May next. We shall continue to forward you our estimates, as time and circumstances may require.

It would greatly add to the facility and convenience of all who are concerned in these disbursements if the funds were placed, by order of the Treasury Department, in the Georgia Railroad Bank, at Athens, Georgia, and the branch of the Planters' Bank of Tennessee, located

at Athens, Tennessee. It is desirable that equal portions of the sums which may be disbursed here should be placed in the banks herein designated, simultaneously.

It is attended with great inconvenience to this service to be under the necessity of drawing funds from Nashville, Tenn., and Augusta, Ga., both on account of distance and hazard. We would suggest the expediency of \$150,000 being ready in the West, to meet the payments there, as soon as our abstracts exhibiting the just dues to each emigrant can reach the agent and officers of the Government, West, who are charged with the duty of making these payments.

The Indians are a slow and tardy people in the transaction of business, but we still entertain the hope that the Cherokee Treaty will, in due time, be fully executed without a resort to those vigorous measures which have been found necessary elsewhere. A great deal, however, yet depends upon the course of John Ross, after his return from Washington. A short time more will develop his course. We shall keep a close watch on all his movements, and shape our measures accordingly. At present we are moving on here harmoniously, and have concluded to avail ourselves of the present calm to make a short visit to our families and return to our labors with renewed energy.

We are, very respectfully,

Yr. obt servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

C. A. Harris, Esq.,

Commissioner of Indian Affairs,

War Department, Washington.

New Echota, May 4th, 1837,
Commissioners' Office.

To C. A. Harris, Esq.,

Washington.

Sir:—Having received no reply to our communication of the 22d of March last (a copy of which is herewith forwarded to you), we have to urge your immediate attention to the subject of funds as therein referred to.

Our public funds here are nearly exhausted, and we see no reason to change our opinions or estimates as heretofore presented in our letter hereinbefore referred to.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, May 20, 1837.

C. A. Harris, Esq.,
Washington.

Sir:—Your several communications, together with the enclosures therein referred to, of the 20th and 24th ult. and two of the 25th, and one of the 29th ult., we now have the honor to acknowledge.

Lieut. Richard Bennett informs us that his entire time will be occupied in making payments to the army at the several places where the troops are stationed. He says, however, that he will make an arrangement which will enable us to draw the necessary funds from the Tennessee Branch Bank, at Athens, where you inform us the funds will be deposited, and by our checking in favor of Capt. Simonton, who has for some time past been engaged at this place in making payments under the Treaty, under our requisitions and under our supervision. We shall give the necessary instructions in relation to this subject and hope to have no difficulty or delay in the procurement of funds.

In relation to the long absence of Dr. Minis, when on his trip to Augusta, and upon the subject you now ask for information, we must refer you to our several letters stating the facts at the time, which embrace all the information we have upon the subject. The copies of the letters accompanying yours of the 24th we were pleased to receive, as they afford us the official means of rectifying many false rumors and reports which have been circulated amongst the deluded Cherokees. The course of the Government at Washington, if steadily adhered to, cannot fail to produce a good effect on Ross and his adherents, if, indeed, anything can operate on their own ruin and destruction. We incline to the opinion, however, that Ross's obstinacy remains unsubdued, and we are not without apprehension of the evil consequences which

may finally result from the unconquerable ambition of this most extraordinary man.

We were gratified to receive the opinion of the Attorney General of the United States on the point of the Treaty therein referred to. It is ample and highly satisfactory.

We are pleased to learn that prompt measures have been taken to make all proper payments to the Cherokees who have emigrated, and we shall, without loss of time, comply with the request contained in your letter of the 25th ult., on that subject. We shall furnish you with a full copy of all the communications and instructions which we may send West connected with the emigrated Cherokees under the late Treaty. We have carefully read the letter of Captain Armstrong (a copy of which you enclosed), and fully concur in the opinions which he has expressed, and shall therefore endeavor to have his views on the subjects adverted to sustained.

In a subsequent communication we intend giving you detailed information in regard to the progress and prospects of our labors here.

We are, very respectfully,

Your obt. servts.,
 WILSON LUMPKIN and
 JOHN KENNEDY,
 Commissioners.

Comsrs. Office, May 21st, 1837,
 New Echota, Georgia.

To Lieut. Van Horn,
 Fort Gibson, Arkansas.

Sir:—We have received information from C. A. Harris, Esquire, Commissioner of Indian Affairs, that (\$150,000) one hundred and fifty thousand dollars has been remitted and placed in your hands at Fort Gibson, for the purpose of paying claims under the late Cherokee Treaty of 1835. We have also been requested to notify you when and where these payments will be expected to be made, in order to enable you to make your arrangements accordingly. We have also been requested to furnish you with such information and instructions as may be necessary to enable you to take the proper receipts, &c., so as to prevent any difficulties hereafter in the settlement of your accounts. In conformity with the foregoing in-

structions from the War Department, we herewith send you a list of the names of the emigrants who are authorized at this time to receive payments at your hands, under the provisions of the Treaty of 1835, together with the amount due to each individual, carried out opposite to his name. The amount due to each individual is the residue due to him, or her, after having finally adjusted all their business which has come before the Commissioners. These several amounts have been taken from our book, termed *Register of Payments*, which is made up in a form which will exhibit the true standing of each individual's affairs, in form of debtor and creditor. We show by this record the amount of valuations, spoliations and claims which have been allowed to each individual, as well as the advances in cash and claims which have been allowed, and which stand charged against each person. Therefore, the amounts which you have to pay are the clear and uncontroverted balances which are due to each person, as is shown by the list which we herewith furnish you.

Our object in being thus full and explicit upon this subject is to relieve you from all embarrassment, and to enable you to make the necessary explanations to the recipients, as some of them may be under some misapprehension in regard to the amounts due them, arising from the fact that some of the claims against the emigrants have been adjudicated and allowed as just debts, since their departure to the West, and some cases of litigation have been decided which may vary the amounts both for and against individuals who have emigrated. However, these discrepancies in the expectations cannot often occur, as their business in the general was finally settled before their departure. To prevent all embarrassment and error, as far as practicable, we subjoin the following form of receipts, to be taken by you on the payment being made to each individual. You will take duplicate receipts; on the return of one of which you can make your settlements, and the other will afford the means at the Cherokee Agency, West, to make and carry out the proper entries upon the copy of the Register of Payments with which we intend to furnish that office in the conclusion of our duties here.

(Form of Receipt.)

No..... Received of (here insert the name of the Disbursing Agent)dollars, being

the amount now due me, as appears from the certificate of Messrs. Lumpkin and Kennedy, Comsrs. for deciding on claims under the Cherokee Treaty of Dec. 29th, 1835, as per number on book, Register of Payments, made out under the direction of said Commissioners. This day of 183...

The first blank number will be filled by simply putting the number of the receipt which you take from the recipient. The second blank number in the proposed form will be filled with the number of the individual on the Register of Payments (and that number will provide the name of each person on the list which we propose sending to you), which we have prepared each individual is distinguished by his number and not the page of the book. We would suggest the expediency of your having blank receipts printed, and the duplicates intended to furnish the means of completing the entries on the Register of Payments might be bound, or stitched together in a cheap form, suitable for the files of the office of the Cherokee Agency, West.

In regard to the time and place of making these payments, it is only necessary to remark we are apprised of no reason why these payments should not be made immediately. As to the place where they should be made, we would recommend that point which may be most convenient to the emigrants, and at the same time not incompatible with the interest of the Government and your official duty. You will do well to bear in mind that this communication has no reference to, or connection with, the subject of the transportation or subsistence of the Cherokees. The whole of that branch of the disbursements has been confided to Gen'l Smith, the Superintendent of Emigration, and he being absent from this place we are unable to furnish you with the necessary information on that branch of the business. We shall, however, request Gen'l Smith, without loss of time, to report to us a full and detailed statement of the advances which he has made to the emigrants for transportation and subsistence, and when we obtain his report you shall be furnished with the same, together with the necessary instructions.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, May 23d, 1837,
Commissioners' Office.

Capt. I. P. Simonton,
Disbursing Agent, &c.

Sir:—In conformity with our understanding in the interview held with you this morning we would suggest the amount of \$100,000 as the proper sum to be brought to this place at present from the Branch Bank of Tennessee, located at Athens, to meet the anticipated payments under the Cherokee Treaty.

To insure the safe transportation of the same, we would advise that you procure from the commanding officer at this place a sufficient military escort to secure the safe transportation of the funds.

The existing embarrassments which pervade the whole country in relation to the currency induces us to suggest to you the expediency of your being very guarded as to the kind of funds you receive from the bank.

We are desirous that twenty-five per cent. out of the \$100,000 should be procured in gold, or silver, as the interest of the Indians requires specie payments in many cases.

The balance may be paid in the bills of the Tennessee bank, made payable at its branch in Athens, or at Nashville.

Very respectfully,
Yr. obt. servts.,
WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

New Echota, May 30th, 1837,
Commissioners' Office.

Capt. I. P. Simonton,
Disbursing Agent, &c.

Sir:—Being apprised that you have been instructed to consider yourself relieved from duty at this place and join your military station and report yourself for duty there, "as soon as you shall have performed the duties in which you are now engaged, in the Indian Department," we deem it proper to state to you that the duties in which you are now engaged, as Disbursing Agent, under the Cherokee Treaty of 1835, will necessarily require the con-

stant services of a competent agent to the close of the present year; and we take pleasure in adding that, if consistent with the public interest, we should be much pleased at your continuance at this place.

Very respectfully,
Yr. obt servts.,
WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, May 31st, 1837.

C. A. Harris,
Comsr. of Indian Affairs,
War Dept., Washington.

Sir:—Herewith we enclose for your information copies of the communications and papers which we have this day forwarded to Lieut. Van Horn, on the subject of making the necessary disbursements to the emigrating Cherokees, West, under the provisions of the Treaty. We have forwarded these papers by the hand of a trustworthy emigrant who intends going direct to Fort Gibson.

You will please to examine our communications to Lieut. Van Horn, and inform us whether our instructions meet the approbation of the War Department.

This business would have been attended to much sooner, if we could have procured from the Superintendent, Gen'l Smith, the roll embracing a list of the late emigrants.

Very respectfully,
Yr. obt. servts.,
WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, June 5th, 1837.

C. A. Harris, Esq.,
Comsr. of Indian Affairs,
Washington.

Sir:—Mr. John Ross has at length returned to this country, and being the Master Spirit of opposition to

the execution of the late Treaty, we have not failed to keep a constant eye upon all his movements, as far as the circumstances in which we are placed would allow. He is, however, a very reserved, obscure and wary politician. We know of no overt, direct act of opposition to the execution of the Treaty that legally criminales him, but we do know, since his return home from Washington, and his grand Northern tour, that the spirit of emigration has greatly subsided.

Those of the Cherokees who a few months ago were expected to have been off before this time now say they intend going in the fall, and those who some time past spoke of going in the fall now say that Mr. Ross will attend the next session of Congress, and they still hope he will be able to obtain some change, or modification, of the Treaty.

A third and numerous class, who are enveloped in gross darkness, who know nothing, and will hear nothing, except it comes from Ross, say they will never leave this country—that they intend to die here.

The intelligent and wealthy are zealous in settling all their affairs, and getting all the money they can under the Treaty, looking exclusively to their own interest, and with the most perfect and apparent indifference to the interest of the ignorant portion of their people. The Indians commit daily depredations on the live stock and other property of the white population. Never, at any former period, has there been so much theft committed by the Indians as at present.

The reports which you probably see in newspaper paragraphs, boasting of the great success which is now attending the Emigrating Department, is altogether unfounded, fallacious and false. We see it stated that the Indians are daily enrolling in great numbers for emigration. We suppose this is intended to designate persons amongst the Cherokees who are condescending to receive provisions from the Agents of the Government, and who promise that they will emigrate next fall. These persons are fattening on the bounty of the Government, in order to act as circumstances may hereafter incline them, either for good or evil. Our plan now is, and always has been, to carry off emigrants as fast as a sufficient detachment can be collected, and, if necessary, subsist them at the West instead of here. If we continue to feed and clothe these ignorant people here, they remain content, and will never be willing to change for another home.

We would still hope this Treaty may be carried out without the effusion of human blood; but we are compelled to say since the return of Ross we consider the issue much more doubtful than heretofore. The military force in this country has not had the slightest effect in maintaining the quiet and good order of the Indians. It has probably had some effect in restraining the white population from committing depredations on the Indians, but, as heretofore stated, the Indians have been guilty of increased depredations on the property of the whites, and manifest but little regard or respect to the military officers of the Government. Indeed, we fear that the ignorant Indians construe the kind protection extended to them by the civil and military officers of the Government—shielding their rights, property and persons—as indications of a want of power to carry out the late Treaty without the consent of Ross. Ross is at the foundation of all this mischief, and we apprehend his ambition may lead him to destroy his people, rather than let it be said that he had yielded in the least to the most powerful government on earth. The amount of debt against individual Cherokees will far exceed our anticipations. We discover few attempts at fraud, except by those claiming to be natives.

Very respectfully,
 Yr. obt. servts.,
 WILSON LUMPKIN and
 JOHN KENNEDY,
 Commissioners.

New Echota, Georgia,
 Comsrs. Office, June 19th, 1837.

To Martin Van Buren,
 President of the United States,
 Washington.

Dear Sir:—After much reflection, we have considered it our duty to address you directly, on the subject of our present relations with the Cherokee Indians. You may consider the communication either private or official, as your judgment may determine best.

It is made from a sense of duty to the country, and from a desire to render you every aid in our power which may in any degree promote the success of your administration.

That portion of the execution of the Treaty confided us has been attended with many difficulties and embarrassments; but so far as regards the object of this communication it may suffice for us to state, and our records will sustain the statement, that no business of similar magnitude and importance and complication (when all the circumstances are taken into consideration) was ever in so short a period adjusted, systematized and, to a great extent, settled and brought into a form which now renders its completion comparatively a plain and easy duty.

Under the provisions of the Treaty, the Commissioners were made the administrators of the affairs of the whole Cherokee people—a population probably amounting to 18,000 souls. At this time the individual debts and credits of this whole people have been pretty nearly all brought upon our books and records, and final settlements have been made with all who could be induced to attend to their affairs, as authorized to be settled under the Treaty. All claims of a national character which have been presented to us are either adjusted or in a train of adjustment, as far as the circumstances will allow.

After the foregoing brief statement—reference to what appears to be the legitimate business of the Commissioners under the Treaty—we beg leave to advert to other duties connected with the execution of the Treaty with which we were charged by your immediate predecessor, Gen'l Jackson. We allude to the general supervisory care over the whole business with which we were entrusted. The importance and delicacy of this task did not deter us from making many and faithful efforts, in rendering the best aid and service in our power to promote the best interest of the country in connection with this business, in conformity with the desire of President Jackson. The great importance of having this Treaty faithfully and harmoniously executed, and to the interest of all the parties in interest, was duly appreciated by us, and reconciled us to the discharge of many unpleasant duties, in order to carry into effect this great national object. Moreover, we were urged and encouraged to this delicate and arduous undertaking because we believed, and still believe, that by wise and judicious measures, and unity and concert of action amongst the agents and officers connected with the execution of the Treaty, the work might have been triumphantly accomplished, and this remnant tribe of Indians saved from the dreadful consequences

which we have witnessed elsewhere with the Creeks and Seminoles.

But it is now only necessary to say that this supervisory care confided to us, so far from producing harmony, has been a constant source of discord, the commander of the military forces being chagrined at the confidence placed in us by the President of the United States. The moment that the Commissioners were presented in the new light of being clothed with plenary powers to supervise the whole business of executing the Treaty, the military stationed here to secure the peace of the country have been worse than useless. The Commissioners and other authority have been disregarded, if not contemned, and nothing but their standing and weight of character in the country, in connection with a most faithful and persevering discharge of all and singular their public duties, has sustained them. For some time we persevered in devising and urging plans calculated to promote emigration under the Treaty; and, in order that our advice might be more acceptable, writing was avoided and verbal conversations resorted to, but all to no purpose. Nothing was done by the military which we advised to be done. In the meantime, Ross, who is the soul and spirit of all opposition to the Treaty, repaired to Washington, and, although faithfully informed by the Government that the Treaty would be scrupulously and faithfully executed, he seems nevertheless to have gained strength and confidence amongst his adherents, from the respectful and kind treatment which he received at Washington and elsewhere. He has returned home with increased weight of character. His brother's house is now the headquarters of many of the officers and agents of the Government, about the Agency. He, Ross, feels secure in the courtesy and respect which he receives from every officer of your administration, and the kind feelings entertained for him, in a special manner, by the Army agents. Sir, under this state of things, the Cherokees will not emigrate under this Treaty, except by force of arms, and when that is applied the result may be war. Nothing now can preserve the peace of the country and emigrate the Cherokees but such movements on the part of the Government as shall convince Ross and his adherents of the utter imbecility of their great *idol*. If you will read the memorial of Ross and his associates to the Congress of the United States, in Feb'y last, in connection with his written communication to the War Department, you will not fail to per-

ceive a spirit of arrogance and opposition to the late Treaty of a startling character. If the presumptions of this man are permitted to proceed unchecked, the result may already be written. His opposition to the Treaty, in the face of every branch of the American Government, will prevent the execution of the Treaty by that Government, except at the point of the bayonet. If Mr. Ross, aided by the ingenuity and sophistry of legal men, can so manage his opposition to the Treaty as to avoid legal personal liability and punishment, he and his advisers will then have accomplished the object for which they have so long labored, viz: to bring on the Government the odium of forcibly removing the Cherokees from the land and graves of their fathers, and thereby revive the noisy sympathies of the deluded fanatics, from one end of the Republic to the other. In conclusion, we assure you that this man Ross is sporting with the lives of thousands of human beings. Has not the Government power to prevent such a catastrophe? We think it has.

Very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, June 16, 1837.

C. A. Harris, Esq.,
Washington.

Sir:—With a view to keeping you fully advised of the progress made and in preparation in furtherance of the execution of the Treaty, we submit the following facts: All demands against individuals of the Cherokee Nation which have been presented to us since we entered upon the duties of our appointment up to the present date (with the exception of a very few cases, postponed to procure testimony), have now been fully investigated, and our decisions have become a matter of record.

Of these claims against individual Cherokees many have been rejected. Yet the number which have been allowed, and the larger portion paid, amount to upwards of three thousand cases.

We now have upon our Register of Payments the name of every Cherokee in the Nation who has undis-

puted assets coming under our cognizance, whether for valuations, spoliations, or other claims arising under the provisions of the Treaty. Therefore, our books and records now begin to assume a tangible and official-like form. We can, upon any call, without delay, exhibit the true state and condition of the affairs of each individual Cherokee, except in the comparatively few cases where litigation still exists. We still find, however, some old valid claims occasionally coming in, especially debts originating amongst the natives themselves. The citizens of the United States, we presume, have generally brought forward their demands.

We have also decided upon all the claims of the Cherokees for spoliations, so far as they have been presented through the Indian Committee, or otherwise, with the exception of a few cases which require further proof and investigation. We entertain no doubt, however, but that many of the Cherokees have just claims for spoliations which have not yet been presented. This arises from opposition to the Treaty. Mr. Ross and many of his adherents still stand off. And it is to be regretted that this omission to attend to their interest bears most heavily on the most ignorant class of Ross's following, for we find no men more vigilant in attending to their claims under the Treaty than the intelligent friends of Ross.

We shall now have time and opportunity, and shall devote ourselves to the investigation of the more important class of cases arising under the Treaty, to wit: claims of citizens of the United States for services rendered the nation, claims for reservations, &c. Some claims of the last named description, however, have been already adjudicated and settled.

The whole of the missionary establishments were valued and returned by the different Valuation Agents in whose districts they were located, under the direction of Major Curry, and we have, in one instance, given our certificate for the payment of the valuations, in terms of the Treaty, to the Secretary of the Missionary Board.

Please to let us know whether or not we shall continue to make these settlements? We still find ourselves embarrassed upon the subject of funds to meet our payments here. We have heretofore apprised you of our failure to obtain the funds from the deposit bank in Tennessee.

We are now here in suspense, upon the subject of funds. Indeed, we have neither funds nor information

in regard to the prospect before us, except what we gather from the public prints. In a word, sir, we have, by untiring exertion, brought our part of this business to a point which will hereafter enable us to discharge all of our duties with the greatest promptitude and dispatch. We can hereafter send with emigrating parties (if indeed we have any to send) a full and complete statement of all their affairs.

As we suggested to you in our last, the prospect of emigration is by no means encouraging, and if anything is doing to promote emigration, except what we do ourselves, it is unknown to us. We very seldom see or hear anything from the Emigrating Agent, and we have so devised and suggested plans of operation to promote emigration and further the execution of the Treaty which have been wholly unheeded that we have of late tried to be content with a faithful discharge of our own duty. These Indians might have been peaceably taken away under this Treaty, but we are almost ready to despair of it now. Trouble will grow out of the present state of things. Everybody, except ourselves, so far as we can learn, is trying to persuade and coax Ross, and he is still full of the spirit of resistance, and, as we learn he intends being a lobby member of the next Congress. This, the time stipulated for the removal of the Indians, will soon expire, and a great portion of them still here. Then will come the evil day. The white population will no longer forbear. The Indians must then go—yes, go quickly! No good man can now witness the unusual state of things here and fail to desire the speedy removal of these people. Every day they remain here is pregnant with evil. The daily strifes and thefts which occur afford renewed cause for apprehension that some outrage will terminate in the effusion of human blood.

We have incidentally heard that there was some change in the command of the Army at this place, but we have no official notice on the subject, and are therefore unapprised who has the command of the Army here at present.

But let the command devolve on whom it may, it is obvious to us that the officer in command should be instructed by the War Department to watch vigilantly the movements of John Ross, and instead of the troops remaining stationary, as they do, that they should keep in constant motion, and visit every part of the country, and

suppress any rising spirit of insubordination which may show itself amongst the deluded followers of Ross.

Very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, June 26, 1837.

Gen'l Nathaniel Smith,

Superintendent of Cherokee Emigration.

Sir:—Your letter of the 23d inst. is now open before us, and, in reply to that part which informs us of the general dissatisfaction of the Cherokees in North Carolina in regard to their valuations, and the expression of your opinion that their improvements had not been valued as high, by 50 or 100 per cent., as those of the balance of the Nation, we have to inform you that their complaints are wholly unfounded, and that your opinions might have been formed without a proper knowledge of the facts in relation to the subject upon which you have expressed them. We are satisfied that the valuations of the Indians in North Carolina are as liberal, all things considered, as those of any other portion of the Cherokee people. Their cleared lands are valued at from seven to eleven dollars per acre, and much the larger portion at eight dollars per acre. Their cabins and fruit trees are put down at prices equal to the average prices allowed in other parts of the country. We have before us the means of knowing, and state to you the facts from our record—the books of the Valuing Agents deposited in our office.

Therefore, these people should not be countenanced or encouraged by you in their unfounded complaints and dissatisfaction.

We are fully apprised of the obstinacy and indisposition of these Indians to yield to the terms of the late Treaty. And we feel it our duty to add that we have too much experience and knowledge of the character of these Indians to flatter ourselves that we can coax or hire them into a compliance with the terms of the late Treaty, so long as Ross and his partisans are permitted to assume the stand which they now occupy. The duties which devolve on us will be discharged with fidelity to the coun-

try, but with due forbearance and humanity to these unfortunate and deluded Indians.

But, sir, if that man Ross is permitted to use his influence in opposition to the execution of the Treaty to the end of the time allowed for the removal of the Indians, we will not now undertake to record the melancholy catastrophe which awaits the ignorant portion of this people. Stationary as the nature of our office compels us to be most of the time, yet we have not failed to avail ourselves of all the information which could be obtained connected with the prospects of emigration, since the return of Ross from Washington; nor have we failed to communicate our views weekly to Washington. We have long since anticipated the very state of things which you now suggest, and concur with you most fully that your prospects of emigrating the Cherokees, under the existing circumstances and state of things, are by no means flattering.

We are, respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, June 26, 1837.

To the President and members of the National Committee to aid in settling the business of the Cherokee Indians, under the provisions of the Treaty of 1835.

Gentlemen:—Having invited your attendance here at this time, to sit in council on business connected with your official obligations to your people, it may afford you some satisfaction to be informed that, during your long recess, much has been done and accomplished by the Commissioners in furtherance of a faithful execution of the Treaty. Indeed, every duty devolving on the Commissioners which, from its nature, was susceptible of completion, will be found in a finished state. Every individual of the Cherokee Nation, having assets coming under the cognizance of the Commissioners, whether for valuations, spoliations, or other claims, may now find his, or her, name and amounts registered and recorded upon our books, and each individual may, at a moment's warn-

ing, be informed of the state and standing of his individual affairs.

There is, however, a great mass of business, deeply interesting to the Cherokee people, which, from its nature, yet remains open for further investigation. But everything which remains in an unfinished state is in as great a state of forwardness and preparation as the nature of things and the circumstances would allow.

The Commissioners have given to the whole of their proceedings a permanent record form, and if the files and records of their office are preserved and handed down to the posterity of the Cherokee people (which ought to be done), these records will become a perpetual monument in the pages of history of the wisdom, forecast and patriotism of that much abused portion of the Cherokee people who have taken the responsibility of making and sustaining this Treaty.

We have found the duties to which we have been called arduous, delicate and often embarrassing; but we have discharged them so as to maintain the approbation of our own consciences, and fearlessly invite the most rigid scrutiny of gainsayers, if such there be. No complaints, however, have reached our ears, except from disappointed and selfish claimants, whose demands could not be sustained by our best judgments.

With an earnest desire to mete out justice to all, we have felt it to be our special duty, in every case, most vigilantly to guard the funds of the Cherokee people from unjust and unreasonable demands.

The claims which have been presented to us for spoiliations, during your recess, are herewith submitted for your consideration and investigation, and the result of your deliberations on these cases you will please to report to us at your earliest convenience.

We regret to learn that a spirit of opposition to the execution of the Treaty is still abroad in the land, and we will not conceal from you our serious apprehensions that this spirit of delusion and infatuation may result in the most serious calamity to that portion of the Cherokee people who are the misguided dupes of aspiring, ambitious, selfish men. The intelligent men of all parties are availing themselves of the liberal provisions of the Treaty, and each one settling his own private affairs accordingly, while we find the ignorant and misguided stand off at a distance.

There can be no doubt that many of the latter class have just claims for spoliations which ought to be presented and adjudicated; but neither you nor ourselves have the power to overcome the prejudices which rest upon the minds of these misguided people, and, therefore, whatever of evil, loss, or suffering may fall upon them, the sin will rest upon the heads of those who are at this auspicious moment engaged in the unholy work of deceiving and misleading the ignorant.

We congratulate you most sincerely on the prosperous journey and safe arrival of our emigrating friends last spring at their new homes in the West, and take pleasure in adding that the Government of the United States have been prompt and vigilant in remitting the necessary funds to meet all payments due to the emigrants as fast as they arrive in the land of their new homes; and we have not failed to forward to the proper officers, West, the necessary data and estimates to enable them to discharge the duty of making payments with promptitude.

We have some further business to lay before you, which will be made the subject of a special communication.

Our incessant labors for three months past, without a single day's intermission, calls for relaxation. We therefore intend taking a short recess, as soon as the business of your present meeting can be accomplished.

We are, gentlemen, with unabating zeal for the happiness and prosperity of the Cherokee people, very respectfully, your faithful co-operators in endeavoring to execute the Treaty, and thereby save the Cherokee people from evil.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, June 26, 1837.

To the President and members composing the Cherokee Committee, under the Treaty of 1835.

Gentlemen:—We herewith lay before you the claims of various individuals against the Cherokee Nation for legal services alleged to have been rendered to the Nation.

Our object in submitting these claims for your examination and investigation is to avail ourselves of all the information which you afford us relative to these several

claims; therefore, you will please to report to us the result of your deliberations on these several claims, in writing.

We are desirous of obtaining all the facts in connection with these claims, whether in support of the claims, or otherwise.

Everything tending to throw light on these complicated and extraordinary demands will aid the Commissioners in making up a final judgment and decision between these claimants and the Cherokee Nation, in terms of the provisions of the Treaty.

By a careful examination of the papers which exhibit the demands of these claimants, you will not fail to perceive that it is wholly inadmissible to allow these several claims as they stand stated in these papers.

From this showing, it is obvious and clear that in many cases amounts stand charged several times over and over again by these different claimants for the same identical services.

If A has rendered services, he ought to be paid for them; but B, C and D must not be permitted, each one, to receive equal and separate compensation, as well as A who actually did the work. If a master workman should have a dozen assistants engaged with him in the accomplishment of any given undertaking, it is wholly inadmissible that the employer should first pay a full price for the work done to the undertaker, and then pay a full price for the very same work to each one of the subordinates of the principal undertaker. It is necessary for you to scrutinize and understand this subject. Moreover, in these claims it is apprehended that services rendered to individuals have been charged to the Nation; and in many of these cases it is believed the individuals have already paid a full compensation for all the services rendered. If you have any knowledge of payments having been made for services charged in these papers, it is desirable that the Commissioners should be correctly informed on the subject. In conclusion, we desire all the information you can give upon this subject at your earliest convenience.

We are, very respectfully,

Yr. obt. servts.,
WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

John Ridge, Esq.,
President, &c.

Commissioners' Office,
New Echota, July 3d, 1837.

C. A. Harris, Esq.,
Commissioner, &c.

Sir:—We have received your letter of the 15th ult., on the subject of funds, &c. We have to regret that we are still out of funds to meet the requisite payments under the Treaty. This failure of funds has operated, and will continue to operate, most injuriously on the minds of the ignorant Indians who are already indisposed to emigrate soon to the West. Their leaders who are opposed to the Treaty find no difficulty in so misrepresenting this want of suitable funds as to induce the ignorant to give credence to all such statements as may be calculated to impress their minds with the belief that the Treaty is invalid and will never be executed by the Government.

In the Disbursing Department, with which we stand connected, we have found ourselves throughout embarrassed for the want of a Disbursing Agent, or funds. The first Disbursing Agent sent to our relief was Dr. Minis, and during his continuance here he always professed to be charged with so many more important duties that he could rarely be kept here long enough to make the necessary disbursements authorized by us. Since he left here to accompany the emigrants to the West, we have never had a Disbursing Agent under our instructions at all. It is true that after the departure of Dr. Minis Gen'l Wool politely and voluntarily did the business of Disbursing Agent, which prevented much delay and embarrassment in our department at the time.

Capt. Simonton, to whom Gen'l Wool turned over the business, discharged the duty of Disbursing Agent to our entire satisfaction, as long as he was in funds, but since the funds gave out and we were informed by you that \$200,000 had been placed in the Planters' Bank of Tennessee, and a like sum in the Augusta Bank of Georgia, to meet our estimates, subject to the draft of Capt. Bennett, when countersigned by us, we made the call upon the Tennessee bank, and of the result you are apprised. We were disappointed. As soon as we ascertained that the funds could not be procured from the Tennessee bank, it occurred to us to apply to the Augusta Bank, Georgia, to meet our payments, subject to the draft of Capt. Bennett, when countersigned by us, where we believed, and still believe, the draft of the Government

would be honored. We therefore immediately requested Capt. Simonton to go in search of Capt. Bennett, who is understood to be the Army Disbursing Agent, and obtain his order on the draft, to enable us to obtain the necessary funds from the Augusta Bank. We think Capt. Simonton left here nearly a month ago, and did not return till yesterday, and reports to us that Capt. Bennett declines giving his order upon the Government draft to another person, before he shall have first ascertained that the funds are ready in the Augusta Bank.

Thus, you have all the reasons which we are able to give you why we have been kept here in this painful suspense for the last month. None of these Disbursing Agents consider themselves either under our control or instructions, nor have we authority to say they are.

We know that the most important disbursements which have been, or are to be, made under the Cherokee Treaty, are immediately connected with our office, and we have never yet had a Disbursing Agent who considered this branch of the business his most important duty. The Disbursing Agents are chiefly occupied in paying a few military officers and volunteer companies, and in attending the Emigrating Agent in his department, although no Indians are at this time emigrating.

As to the kind of funds which would suit to make payments here at this time, it is proper to remark that every recipient would prefer specie because it is worth more than the paper of any bank. The paper of the suspended banks has all depreciated, yet all recipients who intend to use these funds in Georgia would take the bills of the Augusta Bank, rather than lie out of their dues. The recipients who wish to use these funds in the State of Tennessee will be satisfied with nothing but specie, and will not take the bills of any bank in Tennessee in payment for their demands against the Government.

Our only object in giving you this retrospective sketch is to afford you the means of having the evils of which we complain considered and corrected.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, July 3d, 1837.

C. A. Harris, Esq.,
Commissioner, &c.

Sir:—We have received your letter of the 14th ult., accompanied by a copy of a letter from the Hon. J. P. King to the Secretary of War, to which you refer us. In reply, we shall attempt to correct any improper impressions which may be entertained on this subject, by a simple statement of the facts connected with the case. In our general instructions of the 25th of July, 1836, we find the following: "The debts of the Cherokees are to be paid from the proceeds of the valuations of their improvements and of any claims they may have against the Nation. If the debts exceed the assets of any individual, a pro rata payment will be made to the several creditors."

These instructions have been invariably followed by the Commissioners. All the claims which have been allowed by the Commissioners have been considered as standing on an equal footing. No preference has been given to old debts, or even old judgments, over new ones equally just and well sustained by evidence. Claims based upon judgments from State courts upon written obligations, and upon open accounts, have all been placed upon the same footing upon our Judgment Docket, when the Commissioners have been satisfied of the justice of the demand, by satisfactory evidence. The Commissioners protest against the correctness of Mr. King's suggestion to the Secretary of War, that claims of a doubtful nature are admitted at all by the Commissioners.

The valuations of Elijah Hicks amount to \$2,852.50, and Hicks is still here, living in the country. The demands exhibited against Hicks, and which have been allowed by the Commissioners, amount, in the aggregate, to the sum of \$4,128.56 $\frac{1}{4}$, and the claim of the Kerrs & Co. (represented by Mr. King) upon the execution, and which has been allowed by the Commissioners, amounts to \$3,857.12 $\frac{1}{2}$. The whole amount allowed to other claimants against Hicks is only \$271.43 $\frac{3}{4}$. Upon the application of Kerr, we have this day issued our certificate in his favor for the sum of \$2,665.63, being his pro rata allowance, according to our instructions. If, upon an examination of the facts herein stated, we shall hereafter be instructed from the War Department to pay the balance of Hicks' valuation to Mr. Kerr, to the exclusion

of the claims of all the small creditors of Hicks, and which claims have been allowed by the Commissioners, such instructions will be obeyed and respected by us; and we shall take it for granted that the same principle must be maintained in all similar cases. We are apprised that there are other outstanding demands against Hicks which have not yet been brought before the Commissioners for adjudication.

We are, respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, Ga., July 10, 1837.

To His Excellency

Newton Cannon,

Governor of Tennessee.

Sir:—The Commissioners appointed to adjudicate and decide on all claims arising under the Cherokee Treaty of 1835, with a view to a faithful discharge of their duty, are desirous of obtaining all the information (if any) which may be found on the files and records of any branch of the Executive Department of the Government of the State of Tennessee upon the subject of reservations allowed to Cherokee Indians within the limits of your State, under the Treaties of 1817 and 1819. Under the provisions of the late Cherokee Treaty (Article the 13th) in reference to reservations, we find the following clause: "In all cases where the reservees have sold their reservations, or any part thereof, and conveyed the same by deed, or otherwise, and have been paid for the same, they, their heirs, or descendants, or their assigns, shall not be considered as having any claims upon the United States under this article of the Treaty, nor be entitled to receive any compensation for the lands thus disposed of." Now, sir, if the Executive Department of the Government of the State of Tennessee, over which you preside, will afford any evidence of the relinquishment of any of the reservees, under the said Treaties of 1817 and 1819, we have to request of you the favor of such information, in a certified and official form, as will enable us to determine (as far as the

official information may justify) which of the reserves in the State of Tennessee have relinquished their claims, or any part thereof, as set forth in the foregoing clause of the 13th Article of said Treaty. Any expense which may be incurred at your department in procuring the information sought will be promptly remitted, whenever we are informed of the amount. You will readily see the object and the importance of the information sought by us in relation to this matter. It is to obtain the necessary evidence to form a correct decision between the claimants for reservations, of the one part, and the government on the other.

You will therefore please to excuse the liberty which we have taken, and permit us to request a reply to this communication at as early a day as may suit the convenience of your Excellency.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

P. S.—If you have any personal information bearing on this subject, and feel at liberty to communicate the same, it will be gratefully received.

W. L. and
J. K.

P. S.—A similar letter, written at the same time, to Governor Dudley, of North Carolina.

W. L.

Commissioners' Office,
New Echota, Ga., July 13, 1837.

Capt. I. P. Simonton,

Disbursing Agent, &c.

Sir:—You will please to proceed, without loss of time, to the City of Augusta, Ga., and present the Government draft, which we have countersigned, for the sum of \$200,000, to the proper officers of the Augusta Bank, for payment. Not being informed in regard to the kind of funds deposited by the Government in said bank to meet the draft, and being fully apprised of the universal embarrassment which pervades the country in regard to the currency, as well as a sense of propriety, forbid any desire

on our part to make any unreasonable demand on the deposit bank of the Government, especially on this Augusta Bank, which has so long and so justly enjoyed the public confidence.

We have to request, however, that you will explain to the President and officers of the Bank our embarrassments in regard to funds in making the necessary Government payments, under the provisions of the Cherokee Treaty, and ask in our names, as well as your own, that as large a portion of the draft may be met in specie as can be afforded by the Bank, under all the existing circumstances. You are apprised that nothing but specie will suit the convenience of the recipients under the Treaty. If the Bank can furnish you with one-fourth of the amount of the draft in specie, and the balance in its own bills, we think the funds can be used in making payments to the amount of the draft, \$200,000. You will receive no paper from the Bank, except in its own bills. Should the Bank be unwilling to furnish you with the amount of specie proposed, you will be justifiable in receiving any amount of specie you can obtain, and the balance in the bills of the Bank, with the express understanding, however, that if the bills cannot be passed off by us in making the required payments under the Treaty, you will return the amount not disbursed to its present deposit, to the credit of the Government. Should you obtain funds, you will, in the exercise of a sound discretion, procure such means of transportation and guard as may insure the safe transmission of the funds to this place.

Very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, Sep. 7th, 1837.

To the President and members of the Cherokee Committee.

We have this day received, and read with due attention, your communication of the 5th inst., protesting against the construction put upon the Treaty by us, touching the payment of the individual debts of the Cherokee

people. When an Indian has stolen the property of a white man, and the white man has received no remuneration whatever for the same, you deny the right of the Commissioners under the Treaty to consider such claims, however just in themselves, in the nature of just debts, and rely upon what you conceive to be the custom of the States for the support of the opinions which you have expressed. Moreover, you seem to consider no claim against an Indian in the nature of a just debt, except notes and proven accounts. We might here close our reply, by merely informing you that the claims against which you protest have been in every instance *proven accounts* for property taken without the consent of the owner, in preference to obtaining credit in the usual way.

But you are under a misapprehension in supposing that under the laws of the States recovery cannot be made from a person who takes his neighbor's property, without his consent. Most of the States have provided by special enactment of law for the recovery of the value of stolen property, by a civil action, as well as for the criminal prosecution of such offenders. We should deeply regret the state of morals in any political community where property might be plundered and the offender, if he could escape the whipping post and gallows by flight, should be considered a subject of so much sympathy that his effects which he had left behind were considered too sacred to be applied to the remuneration of his injured neighbor. You are wholly mistaken in supposing that the Commissioners allow any claim upon mere *allegation*. They do no such thing. Not a solitary claim of a white man against an Indian has been allowed but upon clear and satisfactory proof. Moreover, the whole amount of the claims of citizens of the United States against individuals of the Cherokee Nation, for stolen property which has been allowed by the Commissioners, now amounts to but a few hundred dollars (less than one thousand), while we have postponed claims amounting to many thousands of dollars which we believe to be just claims for property stolen by Cherokee Indians merely because the offender could not be identified to our satisfaction. We have not yet determined the question whether the Treaty provides for the payment of just claims of this description out of the funds of the Nation. While we have been thus scrupulous in guarding the funds of your people, both national and individual, we have daily witnessed claims of the Cherokee

people recommended to be paid by your Committee, for merely alleged thefts and depredations said to have been committed upon their property by citizens of the United States, without giving over the name of the offender, the time, or place, when or where the act was committed. We have, however, always put a liberal construction on your motives, and, in every instance where our conscience would justify, assented to your recommendations. We are truly glad to find a disposition on your part to guard the funds of your people against improper demands. And you may rest assured that if you will exercise the vigilance and fidelity on your part which we have always done, and shall continue to do, on our part, to prevent the admission of unjust claims, from whatever source they may emanate, no Treaty ever has been, or will be, executed with greater fidelity to any people than this Treaty will be to the Cherokee people.

The subject matter, as well as the formality of your communication, seem to us to call for this prompt and somewhat detailed reply.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

New Echota, Com'rs' Office,
September 8th, 1837.

To the President and members of the Cherokee Committee.

We yesterday received from you various spoliation claims which you have acted upon. We herewith return those upon which we find the word "*admitted*" written, with a request that the President of your Committee will add his official signature, after the word "admitted," on the back of each claim.

This requisition is made to guard against fraud and imposition which might possibly be attempted by the word "admitted" being improperly written on a claim which had not been allowed by your Committee. We find this word "admitted" written in different handwriting, on different claims.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, Sep. 9th, 1837.

To J. Mason, Jr., Esq.

Sir:—Every day since your departure from this place we have desired to respond fully, in writing, to the inquiries addressed to us, through you, from the War Department; but each day has forced us to the discharge of new duties, of a nature so pressing that we have not heretofore found time for such a reply as would satisfy ourselves, and consequently not calculated to afford the information sought by you. As to anything contained in any of our correspondence with the officers of Government at Washington which may be considered in the nature of complaints from us, we must beg leave to refer to the correspondence itself. We have, upon all occasions, in our correspondence, written with candor and frankness, whether speaking of persons or things; never in a spirit of unkindness to others—unless truth is unkind—and always under a sense of duty to ourselves and the service of the country in which we were engaged. We are not now disposed to reiterate what may be termed our complaints. After the occasion for strong feelings and expression of opinion has passed and gone, we are indisposed unnecessarily to rekindle the expiring embers.

However, our views and opinions in regard to what would have been the best mode of executing the late Cherokee Treaty remain unchanged, and will be briefly submitted. We entered this country as the Agents of the Government, intrusted, in part, with the execution of a Treaty which we consider the supreme law of the land. We disclaimed all power or authority to negotiate—our business was to execute the supreme law. We considered all the old arguments in relation to Cherokee rights now settled, and the argument upon that subject *exhausted*. Where an argument called in question the validity of the Treaty, we entered our protest. Upon all proper occasions (and we sought to create such) we labored to convince the Cherokee people of the kindness and magnanimity of the Government towards them, as exemplified in the provisions and terms of the Treaty. Moreover, in the administration of the duties confided to us, and in the exercise of some powers of a disinterested nature which had been confided to us, we think we are not vain in believing that our efforts have produced a very general and satisfactory effect upon the intelligent

and wealthy portion of the Cherokee people, which has continued to spread and increase, until we are now convinced that most of the wealthy and intelligent will not only yield acquiescence to the Treaty, but they are openly, or secretly, well pleased with its provisions. Mr. Ross and his humble followers oppose the Treaty—first, because it was not made by Ross; and secondly, because the Treaty provides for the whole Cherokee people, of every grade and condition, *without conferring any special power over the public funds of the Nation upon Ross and his subordinates.*

Now, sir, if every other officer and agent of the Government connected with this service of executing the Treaty had, from the beginning, acted upon the principles we have briefly laid down, the Treaty would by this time have been carried out triumphantly. From the nature of our duties, we have necessarily been stationary the greater part of our time; but the military officers, and the Emigrating Agent and his assistants, have had abundant time and the best of opportunities to have visited every part and portion of the whole Cherokee country, and to have fully explained and to have informed the people, by kind and persuasive arguments, by such arguments as would have convinced the people of the necessity and expediency of their yielding to the Treaty. But this course has been omitted. Much the larger portion of the Cherokee country has not yet received the first visit from any of these officers or agents of the Government, for the purposes herein pointed out.

These officers and agents have passed from one part to another when other business or duty may have called them. But the idea of visiting the poor Indians in their obscure settlements, for the purpose of explaining to them, and thereby prepare their minds for emigration, has never been entertained by these officers or agents for a moment. It was altogether unreasonable to expect that the ignorant Indians, who are scattered over a country embracing five or six millions of acres of land, to come forward voluntarily and seek information upon the subject of the Treaty from persons whom they have been taught to believe were unfriendly and opposed to their interest. The Indians who have most intercourse with the friends of emigration have been, and will be, the first emigrants, and hence the propriety and expediency of the officers and agents of the Government pursuing the course which we have suggested. A great portion of the ignorant In-

dians who are opposed to removal hear nothing upon the subject, except it be from persons disposed to confirm them in their opposition and delusion. These views which we entertain have often been set forth and urged upon the officers and agents of the Government, in our free and friendly conversations with these officers and agents; and would long since have been reduced to system and in detailed and written form, and furnished to these officers and agents, but for the fact that experience had convinced us that there was no disposition on the part of the commanding officer, Gen'l Wool, to carry out our views and opinions, for fear he might lower his dignity as a military man by operating under the instructions of civil officers of the Government. This feeling on the part of Gen'l Wool seems to have originated from the moment he was instructed by the War Department to consult with, and respect the advice of, the Commissioners in all matters connected with his command. Our correspondence long since forwarded to Washington will most fully explain our situation in regard to all these matters. And it may be proper to add that, in the absence of replies to our correspondence upon this subject, we deemed it most prudent for us to decline urging a subject which might be construed into a desire on our part to assume more than had been legitimately assigned to us by the authorities at Washington. Our position in relation to these matters has been one of great delicacy and responsibility. We know that the military might have been more actively and usefully employed than they have been, by visiting, under the command of intelligent and prudent officers, every part and portion of the Cherokee country, acting towards the Indians in the true spirit of the Government, as communicated to us by you, through the War Department.

Our views most fully coincide with those of the Government, as communicated to us, through you, by the Secretary of War, in regard to kindness and forbearance towards the Cherokee people. But, at the same time, the minds of these Indians should be prepared for coming events. It is a fatal delusion for them to flatter themselves that they can remain quietly in this country a single day after the expiration of the time stipulated in the Treaty for their departure.

In the expression of our opinion that the military stationed here had rather been productive of evil than good, our minds were directed to the frequent complaints which

have reached us of the depredations of the soldiers upon the persons and property of the unoffending citizens of the country. Many of these complaints, we presume, have already reached Washington. And we again repeat that we have not been able to discover that much good has resulted from the military stationed in this country. For upwards of six months past it has been known that a large number of Creek Indians have taken refuge in the Cherokee country. Some of them, it is true, were apprehended and delivered over to an Emigrating Agent of the Government; but they chiefly made their escape from that officer, and returned to this country, and at this time it is believed by many that there are upwards of one thousand of these mischievous Creeks in the Cherokee country. The larger portion of them are supposed to be near this place, the heart of the country. We think these Creek Indians have a great influence in preventing Cherokee emigration, and that they ought long since to have been apprehended by the military and sent out of the country. Many of these same Creeks are believed to have been amongst the first hostile party in the State of Alabama. We have entire confidence in the intentions of the Government in regard to the execution of the Treaty; and in performing the duties assigned us we have most faithfully endeavored to act in conformity with the views of the Government, as well as in friendly concert with all officers and agents with whom we have in any way been connected. But truth and duty compel us to add, with all due deference and respect to others, that, from the time the late Treaty was ratified, it became a matter of paramount importance to convince Mr. John Ross and all his followers, aiders and abettors, that this Treaty was the *supreme law of the land*, and therefore should be executed. To have effected this object in the best manner, we think that the Cherokee Committee, provided for by the Treaty and thus placed in the responsible situation of representatives of the Cherokee people for the purpose of aiding in settling all the unsettled affairs of the Nation, should have been fully recognized by the Government as the only official agents of the Cherokee people. So long as Ross and his followers are recognized by the Government of the United States, and its officers and agents, as the principal authorities of the Cherokee people, the validity of the Treaty must necessarily be doubted. Every act and deed which tends to keep up the evidence of Ross's *chiefship* before the Cherokee people

tends, at the same time, to lessen the confidence of the ignorant Cherokees that the Treaty can be executed against the assent of their idol, Ross. His visits to Washington, his councils, his talk, the marked respect shown him by men high in office—all strongly tend to confirm his followers in their delusions in regard to his influence and power.

Since the ratification of the Treaty, Ross, in his memorials to Congress and in his correspondence with high officers of the Government—and indeed in all his actings and doings—has continued boldly to protest against the validity of the Treaty, declaring the Treaty to be a fraudulent attempt to divest the Cherokees of their just rights, &c. This course of Ross has had the strongest possible tendency to prevent the Cherokees from emigrating under the Treaty. And if this course be not considered in a legal point of view opposition to the Treaty, and calculated to defeat its execution, we confess we are at a loss to conjecture what would be so considered. The Government may not have the legal right to suppress this opposition; it may not be wise and expedient to do so; but the time must and will soon come when the people will be undeceived upon this subject. One of the States deeply interested in the execution of this Treaty (Georgia) has once heretofore measured strength with Mr. John Ross, and made him feel his impotence and tremble in the presence of her authority, and, when necessary, as a last resort, she will do so again.

Our plan is (in all kindness) yet with unfaltering firmness, to use every possible exertion to prepare the minds of the Cherokees for that change of residence which certainly awaits them. And so much of the time for doing this has already elapsed that our principal reliance now is upon the necessary arrangements for ample force, that the Government may be prepared to use the imperative tone with effect when it shall become necessary.

This is now the only effective course, and will best preserve the peace of the country.

We are, sir, with great respect,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, Sep. 15th, 1837.

C. A. Harris, Esq.,
Com'r of Indian Affairs,
War Department,
Washington.

Sir:—Through your official agency we are desirous of obtaining the opinion of the Attorney General of the United States, at an early day, on the subject of claims for reservations, arising under the provisions of the Cherokee Treaty which we are engaged in executing.

The 13th Article of the Treaty, upon the subject of reservations, taken in connection with the supplementary articles upon that subject, we consider ambiguous and susceptible of conflicting and yet plausible constructions.

Some of the reservees under the Treaties of 1817 and 1819, residing on the unceded territory, on territory not ceded by any treaty until the present Treaty of 1835, have presented their claims to the Commissioners for pay for their reservations, and consider themselves upon equal ground and footing with the reservees residing on the ceded territory under former treaties. It is proper to remark that a majority of this class of claimants have already been allowed large sums of money by the valuation of their respective improvements, under the 9th Article of the Treaty of 1835. Some of these improvements have been valued and allowed, for sums of an amount equal to or surpassing the intrinsic, or fee-simple, value of the reservation claimed. But they still claim, under the construction of the Treaty which they put upon it, pay for the reservation as unimproved lands.

A claim has also been presented to the Commissioners under the late Treaty for compensation for a large reservation of land made to Moses Milton, in the Cherokee Treaty of 1806, it being a life estate reservation only. This Treaty is commonly called the Double-head Treaty. In examining this claim see Article the 10th of the Cherokee Treaty of 1817. Upon this claim the question is: Does the late Treaty of 1835 recognize or contemplate payments for reservations of this description, as far back as the year 1806? The larger portion of the claims presented for reservations arise under the Treaties of 1817 and 1819, and are principally from the State of Tennessee, when it appears, from an answer to a letter we had written to the Governor of that State for information,

from the records of the Executive Department of the State, that these records afford no information or light on the subject whatever.

From the States of Georgia and North Carolina the Commissioners have obtained record proof, from the Executive Department of those States, which will enable them to detect fraudulent attempts to establish unjust claims for reservations which have heretofore been relinquished by the reservees. We have also (as you are apprised) information on the subject of reservations lying in the State of Alabama. Many of the claims which have been and will be urged upon the consideration of the Commissioners for reservations are represented by able and interested counsel, persons of ample capacity and much influence in society, who have and will avail themselves of all their advantages in obtaining and taking their ex parte testimony upon which the support of their claims is based before the Commissioners.

It has long since occurred to us that it would be exceedingly difficult for us to arrive at just conclusions on these reservation cases if our judgments are formed upon the ex parte evidence of these claimants, or their counsel. So far the Commissioners have kept themselves uncommitted by avoiding hasty decisions on all claims for reservations, and we would now suggest the expediency and necessity of being authorized to have the services of some competent person, of adequate legal knowledge, to visit the various neighborhoods where the reservations are located, and collect such information and testimony as may enable the Commissioners to arrive at the true state of the facts in every case. In the State of Tennessee those reservations have been the subject of much legal and judicial investigation, and it is presumed that the records and proceedings of the courts would shed much light upon this obscure subject. Some difficulty may arise in the location or mode of laying out the reservations under the Treaties of 1817 and 1819. The Treaty of 1817, upon this subject, reads: "640 acres of land, in a square, to include their improvements, which is to be as near the centre thereof as practicable."

An opinion is entertained by some that the dwelling house, or residence, is to be made the center, in laying out the reservation. Others contend that the reservation should be laid out so as to embrace the whole or as much of the improvements of the reservee as possible,

not regarding the house as the central point of the 640 acres.

This question becomes important from the fact that many of the reservees erected their dwellings on the high lands bordering on the river bottoms, and have fields in the bottom lands. Therefore, if the dwelling house is made the centre, regardless of their cleared lands, in many cases one-half, or more, of their reservations would consist of poor ridge land; whereas, if their fields are included on one of the surveys, and their dwellings on the other, they will embrace chiefly good land. Therefore, the important questions submitted for the consideration of the Attorney General may be stated as follows: Are claimants residing on the unceded territory entitled to compensation for reservations lying in the territory ceded under the Treaties of 1817 and 1819? If yea, are they entitled to pay for their improvements also?

2d. Is Milton's claim for compensation, under the Double-head Treaty of 1806, a valid one, as brought before the Commissioners under the Treaty of 1835?

3d. How should reservations be laid out, in reference to the improvements of the reservee?

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, Sep. 16th, 1837.

Capt. I. P. Simonton,

Disbursing Agent.

Sir:—We have carefully considered your letter of this date, in which you state that on your return from Augusta you had four hundred thousand dollars (\$400,000), and that you now have on hand \$220,000, which shows that you have, within the last twenty days, paid out \$180,000. If our impressions are correct, you have, in addition to the funds above stated, just claims on the Tennessee Bank for \$200,000. If we are correct in our impressions, the propriety of asking for a further supply of funds from Washington at this time must depend upon the contingency of making the funds in the Tennessee Bank avail-

able in our payments which we have to meet. If the funds due can be obtained from the Tennessee Bank, and added to the funds you now have in hand, we do not think the public service here will require an immediate call for more funds. Under all the circumstances, we think it would be most expedient to ascertain, first, what can be done at the Tennessee Bank. We will submit the whole subject of making an arrangement with the Tennessee Bank to your judgment and discretion, with the single remark that you must receive nothing in the way of funds that you consider unavailable in making the payments in which you are engaged. And upon that subject you must, from your experience and knowledge of the present state of the currency, and the estimation of different currencies of this place, be well prepared to judge correctly. Be sure and receive no funds from the Bank unless you have the privilege of returning the funds received from the Bank, in case you cannot make the funds received availing in making your payments here.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, Sep. 23d, 1837.

To John Ridge, Esq.,

Late President of the

Cherokee Committee.

Dear Sir:—Yours of yesterday's date is now open before us. All the business of interest to you and your people to which you refer shall receive our special attention.

And the confidence which you have been pleased to express, in regard to our fidelity to the interest of your people, shall never be disappointed, or lessened, by any act of ours. Whatever of error may have escaped us, we have designedly done no wrong. *We stand ready for trial* before high heaven, and all enlightened men. We shall live and die conscious of having discharged our duties connected with the Cherokee Treaty with untiring devotedness and fidelity to the best interest of the Cherokee people.

With feelings of very sincere friendship and personal regard for you, as a man, we mingle kindred emotions with those which you must feel at this moment from the peculiar circumstances in which you are placed.

Under no circumstances can a reflecting man bid a final adieu to the beloved land of his birth, and that of his fathers for generations past, without exciting the strongest emotions of the human mind.

But to command a sufficient stock of reason, fortitude, and energy to overcome not only the prepossessions of our minds in favor of our native land, but to be the leader and guide of a whole nation, in making a similar sacrifice upon the altar of Patriotism, in obedience to the force of irresistible circumstances, requires the most lofty efforts of man. Sir, you have made this sacrifice. You have made this effort, in the face of death and the most determined opposition from high sources, to save your people from certain impending ruin and destruction.

We trust—we hope—we think—success will crown your efforts. May the God of our fathers prosper your way! May you long live to be useful to your people! May you and they prosper, under the divine guidance of an all-wise Providence! May you and your family long be the honored instruments of usefulness to your people in the land which has been guaranteed to you and your people! And may the faithful pages of history hand down to posterity your noble acts to save your people, and do you that justice which, at this time, is denied to you by your vile enemies and opponents!

With mingled emotions of joy and grief, we bid you an affectionate farewell. We rejoice at the fair prospects before you, and yet, at this moment of separation, we feel sad.

May God bless you.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office, Ga.,
New Echota, Sep. 28th, 1837.

To the Cherokee Committee.

Gentlemen:—We have for some time past desired the close of your present long session, and when we take into view the expense of your daily sittings, we are forced

to feel our own responsibility in being called upon to sanction such expenditures. We therefore earnestly, but respectfully, advise the close of your present session at the earliest practicable day.

We verily believe, under all the existing circumstances, that every day you remain in session is fraught with mischief to the Cherokee people.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

The Cabins, New Echota,
Sep. 24th, 1837.

*Col. John H. S———,
Washington.

Dear Sir:—Being alone, on this good Sabbath day, when there is no church-going bell, you will pardon me for addressing you on a subject of national interest. Having read to you, when here, a copy of the communication of the Commissioners to Mr. Mason, which I suppose will be laid before the Secretary of War, as well as the President of the United States, and, I presume, will be accessible to your inspection at Washington, I shall omit at this time dwelling on the views therein submitted. Nor will I encumber this communication with a recapitulation of the difficulties and obstacles which I have encountered since I entered upon the business in which I am now engaged. Suffice it to say that the legitimate business of the Commissioners in settling and adjudicating all claims arising under the Treaty, is as nearly accomplished and completed as could possibly have been done under the circumstances. Upwards of five thousand cases have been passed upon, examined, decided, and recorded by the Commissioners, and a complete and full record of the whole may now be seen in good official order.

Not one solitary case is at this time suspended, except for the want of additional information, or testimony, which is in a train of procurement, and will be settled as soon as the nature of the case will permit, so as to secure justice to the parties. Moreover, every individual of the Cherokee people, high and low, rich and poor, male and female, so far as the best exertions of the Com-

* Name undecipherable in manuscript.

missioners could accomplish the object through the proper agents, now stands credited on the books of the Commissioners with all the individual dues arising under the Treaty, including the valuations of their improvements of every kind, as provided for in the Treaty, and all the demands against these individuals have been examined and finally adjudicated, and the demands which have been allowed charged and settled accordingly. I advert to this subject for the purpose of correcting a most erroneous impression, that the legitimate business of the Commissioners has by some means been obstructed, so as to impede the speedy execution of the Treaty. Nothing can be more false. If any Cherokee Indian could be removed to his new home to-morrow, the administration of his affairs, so far as they have been confided to the Commissioners, would be found in a state of completion which would secure the just interest of almost every individual as secured to him, or her, by the Treaty, and the exceptions would be found chargeable in every case to individual obstinacy, in refusing to attend to their own interest. It is true, however, that our labors are still incessant, arising from various causes, which may be explained as follows :

Persons deemed competent to remove themselves are urging that advances of money be made to them for that purpose. Every such application requires investigation, and the exercise of a sound discretion. Almost any intelligent Cherokee, although the valuations are believed in the general to be most liberal and equitable, complains before the Commissioners, and wishes valuations to be increased. We are in a position to have complaints from all who choose to make them, and upon all subjects to give a patient investigation of the complaints presented. These troubles, however, afford us the opportunity of correcting many misapprehensions, as well as of rectifying any errors which may have occurred. Thus, scarcely a day passes without an opportunity for us to produce some impressions favorable to emigration. The *drones* of the Government send all the complaining Indians to the Commissioners, and they patiently hear, and, as far as they can, administer to their relief. Hence it is that these *drones* think the Commissioners have much to do. But they are greatly mistaken in supposing that the legitimate business of the Commissioners cannot be accomplished at any moment when the Indians are ready to emigrate. Three-fourths of the burthens which seem to be press-

ing on the Commissioners consists in discharging duties which legitimately devolve on others.

We have had frequent complaints of the inequality of valuations, but, upon the most thorough investigation of these complaints, I am fully convinced that these complaints are chiefly groundless. I am quite confident that the valuations as returned by the Agents, which have been approved by the Commissioners, is the nearest possible approach to equality and justice that could be obtained, under all the circumstances attending this branch of the business.

This Treaty, sir, should be executed faithfully, to sustain the honor of the country, and to promote the best interest of the Cherokee people. And to secure this object no person should have been charged with any official responsibility in its execution who is a *Ross man*—who joins Ross in denouncing the Treaty as a corrupt fraud practiced upon the Cherokee people.

At a time like this, no person should be subsisting on the Government, in this country, whose feelings and views coincide with this man Ross. The open and avowed opponents of the administration of the Federal Government are not the persons to execute this Treaty harmoniously. Ross should be distinctly informed that the Treaty will be executed at all hazards; and he should not be permitted longer to encourage the delusive hopes of the ignorant Indians that, through his mighty influence, the Treaty will yet be abrogated, or modified. No officer or agent of the Government should spend an idle day here, until the emigration of the Indians has actually taken place.

The silly idea of erecting fortifications here has quite astounded me. Every dollar expended in this country in fortifications and defensive works to protect the whites from the Indians is an idle waste of the public money.

The only fortifications needed in this country, in any event is good soldiers, well armed, under proper commanders. With proper forecast and preparation, no war can possibly arise here that might not be terminated in four weeks. With one thousand militia volunteers, raised in Georgia, I can drive every Cherokee Indian in the Nation to Arkansas, without the loss of a man, except by the contingency of natural death, &c. If, indeed, fortifications were needed, it would not be at the Agency, where our military chieftains purpose, but, in such an event, we should erect forts, to protect our women and children; but noth-

ing of the sort will be necessary. Look at the map of this country! Here, where I have stood alone, as regards defensive preparations, for upwards of twelve months, is the very centre of the Cherokee Country, and in this County (Cass) and in the adjoining County of Cherokee, I presume we have at present 8,000 Indians, and in other bordering counties, in Georgia, 3,000 more, and in all these counties we have a very sparse white population. By way of instructing them into the nature of their true condition, I think the Government would do well, forthwith, to disarm every Indian in the country. The arms might be deposited at the proper point, ready to be returned to them again, on their departure to the West.

Let us never cease to urge upon the consideration of the Government its deep obligations to the treaty-making party. The Government cannot sustain its honor without sustaining these men. If Ross and his savage bands should murder these noble, patriotic men for their honest efforts to save their people, the lives of Ross and his associates would be the only adequate atonement.

Your old friend and obt. servt.,

WILSON LUMPKIN.

Note.—It is due to my associate Commissioner, as well as myself, that I should state the fact that during our official connection every official letter, paragraph and sentence which bears our official signatures jointly was composed and written by myself, and then signed by us both, Judge Kennedy invariably approving of the drafts of my official correspondence, decisions and other papers. These facts are known to Col. Wm. H. Jackson, of Walton County, who copied these official writings, and who is still living at the time of this writing, as well as to many others who are yet in the land of the living. Moreover, these original drafts, in my own handwriting, are still in my possession, in a good state of preservation. But as they are more liable to be scattered and destroyed than this volume, I have been induced to make this note. It is proper to add that Judge Kennedy was very competent to have discharged much of this labor, to the credit of the office which we held, but he invariably urged me to its performance, alleging as a reason my more intimate knowledge of all these matters.

CHAPTER XV.

Whoever reads understandingly the correspondence presented in the preceding chapter will be able to comprehend and appreciate, to some extent, the magnitude and hazards of both life and reputation which were devolved on me as United States Commissioner under the Treaty of 1835. They will also find, presented in an uncontroverted and official form, the transactions connected with the whole subject. For the failure of the Federal administration in discharging its share of public duty connected with the subject, I offer the following apology. The President of the United States, Gen'l Jackson, from age, bodily infirmity, and long continued labor and care, in stations of the highest responsibility, and being at that moment a declining, and not a rising, *sun*, on account of the near approach of the termination of his brilliant Presidential course, his energy upon this occasion was less efficient than on many other important fields of strife and contest. His views were correct in every point connected with this subject.

His instructions and directions to all officers engaged in this service were ample and good; but his subordinates in office, especially those in the Cherokee Country, were guilty of many delinquencies and failures to discharge their duties with that energy and fidelity which that important service required. They no longer felt the influence of the setting sun. The long suspense of three or four months, produced by holding the office of Commissioner in reserve for Gen'l Carroll while he was engaged in the discharge of another more lucrative office, was, altogether inadvisable, and justly subjected Gen'l Jackson, at the time, to some censure, by those who felt the injury of this delay. For the want of a co-Commissioner the execution of the Treaty was greatly retarded, and afforded time for Ross and his co-workers to do much mischief, by impressing the minds of the ignorant Indians with the belief and delusive hope that the Treaty was invalid, and could never be executed. While I did all that could possibly be done, by a single Commissioner,

for the want of a co-Commissioner very much that was most important to have been done promptly was greatly retarded.

After Mr. Van Buren and his new Cabinet came into office, I found them wholly destitute of the intimate knowledge of men and things connected with the then standing and condition of Cherokee affairs so actually necessary to carry forward to final consummation the emigration of the Cherokees, as provided for by the Treaty of 1835. Moreover, I found myself embarrassed and burthened at every step by the complexion of the military command, stationed in this country for the express purpose of aiding in the objects of my Commission. But I will not here enlarge upon this subject, but rely upon my official correspondence, submitted in the preceding chapter. Before I take leave of this part of the subject, however, I will, in this chapter, present that portion of the official proceedings of the Commissioners which will best exhibit the intricacy and importance of some of the subjects adjudicated by them, especially the claims of a host of lawyers, under pretense of having rendered great and important services to the Cherokee Nation. Although the Commissioners entertained not the shadow of a doubt but that these lawyers had, from first to last, from beginning to end, been nothing more nor less than one unmitigated curse to the Cherokee people, and that they had been the prime and moving cause of most of the evils brought upon this people, and that their motives had been selfish and base, in protracting the calamities of these unfortunate Indians; yet the Commissioners were forced to the conclusion, from the words of the Treaty itself, as well as the testimony of those who negotiated the Treaty, that it was intended to provide for the payment of what is termed these men's legal services—services calculated to destroy the Indians. However, it being the duty of the Commissioners to execute the Treaty as it was written, they endeavored to lay aside every prejudice and prepossession, and administer even handed justice to the unrighteous as well as the righteous, and to administer the laws confided to their charge in strict conformity to its letter and spirit; and, to this end, they consulted and advised with the then Attorney General of the United States, the Hon. B. F. Butler, and in no instance did they depart from his legal opinions, in regard to the claims of these lawyers. In the first place, these claims were scrutinized and thoroughly investigated and exam-

ined by the Commissioners, aided by all the light and evidence which could be procured, after which the Commissioners reduced their opinions to writing, and, in a formal way, made up their decisions on these claims. They then laid these claims against the Cherokee Nation before the Indian Committee, accompanied by all the information which had been procured in relation to them; and here follow the proceedings of the Indian Committee on these claims. The report of the Indian Committee is given in their own words, as written out by John Ridge, President of the Committee, and accompanied by the order of the United States Commissioners, confirming the report. As heretofore stated, the Commissioners did not assent to this report without reluctance, but deemed it best, under all the circumstances connected with the case, to acquiesce.

I will also give the decision of the Commissioners, as written out previous to laying these claims before the Indian Committee; and the amounts adjudged by the Commissioners to be due to these lawyers were some thousands of dollars less than that which was adjudged to be right by the Committee. Whereupon, the Commissioners, in respect to the opinions of the Indian Committee who were a party in interest, yielded something of their own opinions, and confirmed officially the opinions of the Indian Committee. It is my intention not only to submit to the reader of these pages the opinions of the Commissioners upon a portion of these lawyers' claims, but some extracts from the evidence upon which these opinions were based.

I would earnestly call the attention of the reader to what may be submitted in this chapter which has a strong political bearing in explanation of the history of Georgia. While Governor of Georgia, I often affirmed in my official communications to the Legislature, as well as in my official correspondence, that the difficulties which the State encountered in obtaining the consent of the Cherokees to their removal to the West was chargeable to a combination of selfish *feed* lawyers, imbecile or corrupt judges, political party aspirants, and deluded fanatics. Judge Wm. H. Underwood, when urging his claims before the Commissioners as the front leader of this combination of lawyers and politicians, is sufficiently explicit in his admissions to confirm the truth of my strongest accusations on this subject. Moreover, he admits that the Legislature of Georgia legislated him and his brother

lawyers out of legal employment in the Cherokee Country, and, as a matter of course, sent the Indians from the country; and it is known to every one who is familiar with the history of that legislation that it originated with me, and on my recommendation was enacted by the Legislature. At the time, my political opponents held me up to the country as rash, unfeeling and unjust to the Indians and their rights, and predicted the ruin and disgrace of the State; but now, when every one admits the wisdom of these measures, and the great benefits which have resulted to the State from the speedy acquisition and settlement of the whole territory, as well as the benefits and blessings which have resulted to the Cherokee people, we find many who reluctantly acquiesced in my Indian policy, after they saw its triumph, stand ready to claim a liberal share in these measures.

As I have said and written a thousand times, these very lawyers, who are now the principal subjects of consideration, together with party politicians and Northern fanatics, had gained the mastery over John Ross himself, and Ross had absolute control over the ignorant and consequently most numerous part of the Indians, and it being the interest of these several descriptions of men to keep the Indians in the States, for their own benefit, nothing but force could remove them from Georgia, and that force, I believe, I was the first man amongst all the living or the dead to recommend.

But let me here explain what I mean by the force which I recommended. It was a power used conscientiously to save the deluded from ruin, the helpless from destruction, and the enslaved from bondage. For many years I held and urged a doctrine in regard to the true policy of the States and Federal Government towards the Indians which received but little countenance *in high quarters*; but my policy was founded in wisdom and the greatest possible good to the aboriginal race, and therefore must and will prevail. The doctrine is this: That the intercourse and policy of the United States in general, with the subdued remnants of the aboriginals, has been unwise, deceptive, insincere and fraudulent.

Examine our Indian treaties — see their preambles. They carry the appearance, on their face, of the Indian being a sovereign and independent people, upon a perfect equality with the most civilized people. Yet no civilized government has ever recognized their *fee simple* rights to a large domain of land. No title to land, in a United

States Court, has ever been considered valid, except first patented, or granted, by a civilized power, or State. All the treaties which have ever been made with Indians have, in reality, been consummated by obtaining the influence of a very few individuals, and these few have been brought into the views of the civilized government treating with them, in most cases, by bribery, fraud and corruption. Their want of equality with civilized men unfit them, in the general, for the complicated duty of forming treaties. The various provisions contained in these treaties will be found, in many cases, not to provide so much for the mass of the Indian people as for select and favored individuals of paramount influence amongst their people.

You may ask then, what is to be done? My reply is: I believe the earth was formed especially for the cultivation of the ground, and none but civilized men will cultivate the earth to any great extent, or advantage. Therefore, I do not believe a savage race of heathens, found in the occupancy of a large and fertile domain of country, have any exclusive right to the same, from merely having seen it in the chase, or having viewed it from the mountain top.

Wherever a wild and savage race becomes so far reduced by a civilized people as to be considered subdued and unable to contend in battle with the Christian nation, immediately it becomes the duty of the superior race to look upon the inferior as children—minors—and incapable of protecting and providing for themselves; and, consequently, that benevolence, humanity and religion require the superior, with magnanimity and liberality, to take these *orphans and minors* by the hand, and do them all the good that the circumstances will allow.

And upon these principles, from first to last, have I acted towards the Cherokee Indians, as will more fully appear from my official acts and deeds, widely spread upon the records of the country from the years 1827 to 1840, inclusive. During those thirteen years I occupied the most important official positions connected with Georgia's strifes and conflicts in regard to Cherokee affairs. In the House of Representatives in Congress, in the year 1827, I commenced my operations for the remnant of these, as well as other Indians. I labored in that body four years, until all was effected in furtherance of my object that could be done by Congress. I was then called by the public voice of Georgia to the Chief Magis-

tracy of the State, where I remained for four years more, until I saw the unoccupied lands of the Cherokee Country settled by our intelligent freehold white population, and opposition to Cherokee emigration driven from the State, and the basis of a Treaty so deeply laid that it could not be prevented by any human efforts. A Treaty, too, of most extraordinary liberality to the Cherokee people. And after this Treaty was duly ratified and confirmed, I entered upon the duties of Commissioner, and performed that work as hereinbefore set forth. I spent about eighteen months in that office. Finding Ross and his Northern associates still struggling at Washington to detain the Cherokees from removal to the West, and apprehending that any detention of the Indians in Georgia, beyond the time stipulated in the Treaty for their removal, might produce fatal evils to the Cherokees, as well as injury to the white population, the Legislature of Georgia thought it best for me to be at Washington, and accordingly elected me to the Senate of the United States in November, 1837, where I remained, attending to everything connected with this Indian subject, till the whole of the Indians were removed to the West, without the shedding of human blood, and thus terminating the struggles of many years' conflict and strife, consummating most fully and completely the measures and plans which I had in view when I introduced my first resolution in Congress in 1827.

Let it be remembered that I frankly admit that my plan was, from the beginning, not to be "*palsied*" by the will of the Indians. I resolved upon carrying into effect such measures as I believed to be best for the happiness and welfare of these people whom I viewed comparatively as children, not competent to judge and decide on the measures best calculated to promote their interest. And now, in the presence of Almighty God, and before all mankind, I solemnly declare that, in all this business and the part I have acted in it, I have constantly kept in view the best and highest interest of these Indian people, and that in all my actings and doings in connection with the subject I have desired to benefit the Indians as well as the whites; and, in my conscience, this day feel assured that I have rendered the Indians a good and faithful service.

Moreover, all the intelligent Cherokees, except Ross and those under his influence, left Georgia with the strong-

est friendship towards me, and the most unshaken confidence in my fidelity to their interests.

But I must forbear to dwell further on this subject, and proceed to give the promised documents.

Commissioners' Office,
New Echota, July 8th, 1837.

Whereas, Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell, Edward Harden, the heirs of Wm. Wirt, Barron and David Irwin, Henry L. Simms, Thomas Latham, Robert Mitchell, and G. W. Churchwell, did, at different times, present to the Commissioners their several claims and demands, in writing, against the Cherokee Nation, for legal services alleged to have been rendered and performed for the Nation, together with evidence tending to sustain their claims as aforesaid, and the Commissioners having procured all the information and testimony within their reach calculated to throw light on the subject of these claims; and after having considered said claims and proofs with great care and deliberation, as a necessary duty devolving on them, and duly considering their duty as defined by the Treaty, together with instructions from the Government of the United States, have determined to submit the aforesaid claims to the investigation and judgment of the Cherokee Committee, as provided for by the provisions of the Treaty; and after having submitted accordingly said claims, together with all the testimony in their possession, requesting said Committee to carefully examine and report thereon to the Commissioners;

And the said Committee having performed the duty thus required of them, and made their report in the following words, to wit:

"The select Committee to whom was referred the claims of sundry lawyers, and accompanying papers, by your honorable body, beg leave to report: The claims of lawyers submitted by the Commissioners embrace the legal counsel of the Nation who operated in the chartered limits of Georgia, and at the Supreme Court of the United States at Washington City, with the exception of G. W. Churchwell. Upon these lawyers devolved labors, trials and responsibilities far superior in every respect to those who acted in Alabama and North Carolina, upon whose services your honorable body have passed its judgment in regard to their services. The counsel to which we re-

fer we have every reason to believe will be satisfied with your award.

"On the present claims, now under consideration, it is our duty to do equal justice. Our nation promised it, and we are in honor bound to perform it. And in the performance of this duty there are no ambiguities to obscure our wisdom, no shadow of words to darken our counsels. What we know, we know as well as others, to the extent of our capacity to comprehend our own national acts, as expressed in the Treaty. It is true the Treaty may be susceptible of ambiguities and ungrammatical sentences. If so, it is not our fault, but that of the United States who presumed to write in a manner not as clear as it ought to be. The views, conversations, pledges and opinions of Mr. Schermerhorn are entirely gratuitous, and the arguments of Mr. Attorney General is founded on them.

"The arguments of the claimants are based upon the principle of interest; and he is a fool who cannot speak a good word for himself. This is not said to derogate from the just claims of these lawyers. But when a ship is loaded with freight, all of which cannot be admitted into port, and it has sailed far and wide into strange oceans, without rudder or compass, and the crew have not navigated harmoniously together, we, the representatives of the Nation who sold this our dear heritage—a domain which we yielded by force of circumstances—possess the rudder. We have the right to say what the compensation of these lawyers shall be.

"This right the Committee derives from a contract made by their Nation with the United States. In Article the 11th, after appointing the Committee, the Treaty says: 'And they be hereby fully authorized and empowered to transact all business on the part of the Indians which may arise in carrying into effect the provisions of this Treaty, and settling the same with the United States.' Now this means a great deal. If it has no meaning, then the Treaty has none, and is but trash.

"All business on the part of the Indians! On whose business were these lawyers employed? And whose business was it to see them paid? The Indians, certainly. Every article is designed to have some particular and independent meaning. Where it expresses a limitation of funds to pay for specific objects you cannot, without force, run into other funds to meet claimants. When the United States and our Nation, in Article the 10th, said: 'The United States also agree and stipulate to pay

the just debts and claims against the Cherokee Nation, held by citizens of the same, and also the just claims of citizens of the United States for services rendered to the Nation, and the sum of sixty thousand dollars is appropriated for this purpose,' we understood that both the Indian citizens of the Nation and citizens of the United States who had rendered services to the Nation should be paid out of the sixty thousand dollars. This is all that we appropriated out of the price of our country for this object, that is, claims of citizens of the Nation against the Nation, and of lawyers for services rendered to it. Justice is a term often explained according to the bias of those who apply for it. In this case we occupy a ground upon which the impress of our footsteps will discover whether we have walked in the right manner, not only towards our lawyers, but towards our own people. They are equally entitled to be paid out of the fund under consideration. We trust we shall satisfy the disinterested portion of the world that we have honorably acquitted ourselves in this matter. The papers connected with the claims referred to us for investigation are numerous, and to which we have devoted a careful examination. They are composed of the following claimants and charges as annexed:

Thomas A. Latham	\$ 350.00
George W. Churchwell	1,120.00
Robert Mitchell	1,475.00
Wm. Wirt	20,000.00
Henry L. Simms	6,675.00
Edward Harden	8,000.00
Barron and David Irwin	19,275.00
Samuel Rockwell	30,000.00
Wm. H. Underwood	36,402.00
Wm. Y. Hansell	30,075.00
Total	<u>\$153,372.00</u>

"All these claims, except Thomas A. Latham's, Wm. Wirt, and G. W. Churchwell, are based upon cases docketed in various courts in the Cherokee Circuit, and are of every nature and kind usually brought to the notice of the judiciary. Consequently, if you read Judge Underwood's cases on which he has charged, you have read the rest. Barron and D. Irwin, Rockwell, Underwood and Hansell are all partners in charging, in a majority of cases, and each one in the same case. Thus, the fees claimed

for one service rendered becomes an enormous charge, not tolerated by the Committee. How are they then to be satisfied? By graduating down these charges to a proportionate scale? This will not do, because he that has made the most unreasonable and largest charge would have the advantage. We can conceive of no rule by which these claims can be paid but the one contemplated by the parties when these lawyers were engaged. We know they were not hired by the year, by the job, or for each case to be paid according to the customary fees in such cases. We think that it is not so, because of the utter silence of the parties on this point. If each case had to be charged and paid for, it is probable that to each lawyer would have been assigned a certain district of country in which to perform and render service to the Nation. From Ross, ex-chief of the Nation, conclusive evidence might be obtained, but he feels so disgraced to the powers which have deposed him, and to the lawyers interested, we cannot expect any light from that source. In the examination of these papers, from Judge Adams' testimony, which is herewith submitted, and the general understanding of the people of the Nation, these lawyers were employed to render service for which each one of them was to receive compensation according to the good service, of justice, and discretion of the Nation.

"If any other method is adopted, the rights of our Nation will be vindicated, for that was the contract. To prove this, John Ross's letters to some of these lawyers are in evidence before us. Your Committee have then adopted this rule, and have impartially awarded the compensation to each lawyer the amount annexed opposite their names—this amount is made to only those whose national employments are proved, and of which the Committee have no doubt, and in proportion to the services that each one has rendered to our Nation. Judge Underwood is allowed more than others, because he was the first to defend us, and has been in the service of the Nation seven years. The sums previously allowed to the lawyers, which now follow, are not to be deducted:

Judge Underwood	\$ 2,200.00
Samuel Rockwell	1,000.00
Wm. Y. Hansell	1,000.00
Edward Harden	500.00
Barron & Irwin	250.00
Wm. Wirt	2,000.00
Total	\$ 6,950.00

“The value of the property contended for has been stated by these claimants as enhancing the value of their services and fees. The valuations of John Ross and his spoliation claims and that of Joseph Vann, two of our wealthiest men, are mentioned. Your Committee beg leave to state that these lawyers have made a mistake—these valuations were not in controversy, or endangered in the cases on trial. It was only the occupant rights of the improvements, at best for a few years in controversy, as far as our citizens were concerned. As an offset to this, we give one example of the charges which the lawyers have made—on Little Den’s case, indicted for murder, which was on the docket, but the nimble-footed Little Den fled, and his case was not tried. For this single case

Rockwell charges\$	100.00
Hansell, in the same case	100.00
Underwood, do do	500.00
Barron & Irwin do do	250.00
Simms do do	100.00

Amt. charged in this one case\$1,050.00

“Your Committee would also remark that the Cherokee Nation has failed in the courts of law on this earth. We are not to enjoy the blessings of Heaven on the land of our forefathers. From this favored spot we shall shortly be exiled, by force of circumstances. How many thousands of our people will carry but a few dollars, compared to the sums which we have agreed to give these lawyers? How few of our wealthiest men can, after all the sacrifices they have experienced, count as their own as many thousands as we have allowed to these lawyers? But we have faithfully complied with our promises and our engagements. The Nation may hold up its head against all that may be said, if, indeed, anything can be said against her honor on this question. Your Committee are aware that the claimants have long and patiently waited for their compensation. We hope soon to see them paid, as we trust, to their satisfaction. Our lawyers were our friends in the day of our trials, and in the parting hour we shall still continue as such.

“In conclusion, the Committee beg leave to report that Robert Mitchell and G. W. Churchwell have not proved their employment by the Nation. They have gone overboard. Col. Simms has proved his employment and some services, by gentlemen of high standing and character,

of our Nation. The Committee, as directed by you, have the honor to report, as the result of their deliberations, the following compensation to be allowed to each of the following lawyers, without any deduction for former payments whatever:

To Wm. H. Underwood	\$11,000.00
Barron & D. Irwin	6,000.00
Wm. Wirt	5,000.00
Samuel Rockwell	5,000.00
Wm. Y. Hansell	5,000.00
Edward Harden	3,000.00
Henry L. Simms	1,000.00
Thomas A. Latham	300.00
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Total	\$36,300.00

"The foregoing report, having been first made by a select Committee of the Cherokee Committee, was then taken up by the whole Committee, and closed as follows:

"The Committee of the Whole have had the report of the Sub-Committee under consideration, and do hereby approve of all of it, and submit it to the Commissioners of the United States.

JOHN RIDGE,
President of the Committee.

"Committee Room,
7th of July, 1837.
Lovely Rodgers, Clerk."

And the Commissioners, having duly examined and considered the foregoing report, in connection with the claims and evidence upon which the report is based, have deemed it inexpedient at this time to express any opinion on the remarks and reasoning contained in the report of the Committee. But with a view of doing speedy justice to these several claimants, and with the impression that the Committee have faithfully endeavored to approach the standard of justice and equity in determining upon the merit of these several claims, the Commissioners do hereby assent to the conclusions at which the Committee have arrived, so far as to order and adjudge that certificates do issue in favor of the several claimants, in accordance with the report of the Indian Committee, the Commissioners reserving to themselves, however, the right at any subsequent time, upon a re-investigation of

the whole subject, to make such further decree touching the premises as a sense of justice and duty may seem to enjoin on them.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

As an item in history, due to posterity, and tending to sustain and elucidate my often expressed opinions while Governor of Georgia, I herewith submit my official opinions, which were fully concurred in by my colleague, Judge Kennedy, as Commissioner under the Treaty of 1835. And first, on the claims of Wm. H. Underwood, Esqr., who was the commanding spirit in this combination of lawyers; also our decisions on a number of cases, jointly and severally, (the cases being connected in the form of their presentation) in the same decision, or decree, of the Commissioners, as attorneys for the Cherokee Indians during their struggles for sovereignty and political controversy with the State of Georgia, in which will be clearly seen the admissions of Judge Underwood, in a very ingenious and able paper presented to the Commissioners, in which is strongly marked his treasonable conduct to the State of Georgia, while he was enjoying all the advantages of citizenship under these laws. Those papers contain the unencumbered opinions of the Commissioners, whilst their opinions upon the same subject just recorded embrace also the opinion of the Indian Committee which was unavoidably framed to conform to the nature of the case.

It is proper, further, to state that while these deliberate and unencumbered opinions of the Commissioners were matured and written out, in due form, before the subject was submitted for the deliberation of the Indian Committee, it was done for the guidance of that Committee, and doubtless had much influence on their decisions, as will be seen by the careful reader, as the opinions of the Committee, in every important particular, coincide with those of the Commissioners. And, lest it should be thought that I erred in pressing my own opinions on the minds of the Indian Committee to an improper extent, it is proper to state that the Commissioners were fully aware of the fact that these lawyers were daily tampering with some of the members of the Indian Committee, and endeavoring to corrupt them, and thereby obtain a larger

amount of money for their alleged legal services. Hence the necessity of the Commissioners enlightening the Indian Committee.

As Judge Underwood admitted, and as will be fully sustained by the Executive and Legislative records of Georgia, from the time I became Governor of the State in 1831 to the close of 1835, the State was advancing from year to year in her settled policy to wind up all Indian controversies within her limits. Under this four years' progress, the Indians were not only removed from Georgia, and the heart-burnings of a thirty years' conflict put to final rest, but this combination of *feed stipendiaries* were driven into silence and obscurity. Their luxuriating state and condition while in the employ of the princely Ross was indeed greatly changed. Who can now reflect upon the then state and condition of the Cherokee Indians and still cast censure on those who encountered every difficulty and hazard to place these unfortunate Indians in a land of hope and promise, where these selfish lawyers might cease from troubling and the weary Indians might hope to rest. This noble work of being instrumental in removing the Indians from Georgia has verily carried with it an ample reward, more than compensating for breasting the many storms of calumny, detraction and reproach which, at the time, was cast upon the heads of those who were engaged in this work of necessity.

I deem it proper, further, to notice a particular and prevailing feature which was exhibited in the spirit of this numerous combination of lawyers towards each other. During the whole of the investigation of these claims these men were constantly engaged in attempts to invalidate and detract from the merit and justice of each other's claims, then pending before the Commissioners. And, for that purpose, in several instances were presented in writing statements going to establish the fraud and falsehood of each other's claims. Extracts from some of these statements it is intended hereafter to submit to the reader. They would seek interviews with the Commissioners, and when alone, each one would protest against the fraud and injustice of all the claimants, except himself. In the experience which I had touching the claims of these lawyers against the Cherokee Indians, I could not discover anything to sustain the belief that there was a particle of honor *amongst thieves*.

I will now submit the awards of the Commissioners: First, upon the claims of Judge Underwood. Secondly,

on the claims of Underwood, Rockwell, Hansell, Harden, and Barron and Irwin, taken up and decided, jointly and severally, all in the same award and on the same paper—awarding to each individual the amount which he should receive on his claims.

Commissioners' Office,
New Echota, Feb'y 10, 1837.

Wm. H. Underwood

vs.

The Cherokee Nation.

Claims for Legal Services
Rendered the Nation.

The claimant states that he was employed as the attorney of the Cherokee Nation, in a controversy of vital importance to said Nation, and which involved questions of the greatest magnitude, intricacy and difficulty; and for the services he expected to render he now alleges that he was to be paid to his entire satisfaction, whenever these controversies should be terminated and ended.

He further alleges that the controversies in which the Cherokees were engaged were not only difficult at first, but were rendered much more so from year to year by the continued legislation of the State of Georgia at every session from 1828 to 1835, inclusive. And that, for years, he succeeded by his individual efforts, unaided by other legal counsel, in thwarting and preventing the due execution of the laws of Georgia, by obtaining from the courts the most important decisions in favor of the Cherokee people. And that this service in which he was engaged required of him, in order to devise remedies to meet the new exigencies growing out of the legislation of Georgia, and to sustain the foregoing allegations, the claimant sets forth a brief history of the proceedings hereinbefore alluded to, and again adverts to his untiring efforts to obstruct and prevent the operation of the laws of the State of Georgia over her Indian population.

The claimant further alleges that he continued faithfully and successfully to sustain the hopes of the Cherokees against all the legislation of the State of Georgia, until the passage of an act by the Legislature of Georgia, divesting the courts of equitable jurisdiction over such cases as he had been employed in previously for the Cherokees. After the passage of the act last referred to (in

-1834 or 1835), the claimant states that he became convinced that he could no longer sustain the Cherokees against the legislation of Georgia, and that he then repaired to Washington City, as the attorney of the Indians, and that he advised them to enter into a treaty with the United States with a view to emigration to the West.

And the claimant further states that he cannot resist the belief and conclusion that the Cherokees have obtained by treaty some millions of dollars more than they would have done had it not been for the protracted struggle which he enabled them to make, in resisting the policy of the States and that of the United States. The claimant further states that the service in which he was engaged for the Cherokees employed his whole time and talents, and caused him to abandon a practice of the law, worth more than four thousand dollars per annum.

To support and sustain the foregoing claim, as set forth, Alexander McCoy and William Rodgers (two prominent white blooded natives), certify to the regular employment of the claimant by the Cherokee authorities. Z. B. Hargrove, William Harden, C. D. Terhune, Henry Lightfoot Simms and Robert Mitchell, Esquires, all attorneys-at-law, have certified in corroboration of the services alleged to have been rendered by the claimant.

And further, these same lawyers have volunteered the opinion that a sum less than (\$25,000) twenty-five thousand dollars would be inadequate to the discharge of the payment of the extraordinary services of this claimant.

And upon this showing and proof the claimant submits his case to the Commissioners.

In the investigation of this case the Commissioners have not confined the range of their reflection to the consideration of the mere amount charged by the claimant—large as that amount is, it had seemed to be of small consequence, when compared with the principles which this case involves. It is in proof that the claimant was in the employ of the Cherokee authorities, and for the purposes hereinbefore set forth by the claimant himself.

And from the personal knowledge of one of the Commissioners, as well as from various other sources, in deciding on the correctness of the statements of the claimant in regard to the nature of his employment and his exertions to sustain the pretensions of the Cherokees to the right of sovereignty and independent government, within the acknowledged limits of one of the sovereign

States of the Federal Union, the claimant no doubt zealously endeavored to overturn the policy and laws of the State of Georgia. The 10th Article of the Treaty, under which this claim is presented, provides for the payment of services rendered the Nation. The claimant now states that the principal chief of the Nation, John Ross, assured him, that, at the termination of the controversy, he should be paid to his *full satisfaction*. This claimant, however, a few years ago, while this controversy was pending, was sworn as a witness, in exculpation of his friend, Judge Hooper, who was suspected of being too much under the influence and guidance of this same claimant, and he then testified on oath "that he was to receive nothing more from the Cherokee people than a *reasonable* compensation for his services."

Therefore, the duty which now devolves on the Commissioners is to determine what amount of compensation will be *reasonable*. Under all the circumstances of the case, as herein presented, the claimant estimates his *services* by an alleged loss of his professional practice, as an attorney-at-law, which he estimates as being worth to him upwards of \$4,000 per annum, and the success which he alleges attended his labors in protracting the controversy between the Cherokees and the State of Georgia, and thereby, as he conceives, the Cherokees have obtained, as he supposes, several additional millions of dollars in the late disposition of their claims to the country. And these opinions of the claimant seem to be sustained by the certificates of the persons hereinbefore referred to.

The services of the claimant, although presented as claims for legal services as a lawyer, obviously partake (as voluntarily stated by the claimant himself) deeply of a political character. The controversy in which the claimant was engaged originated and was carried on as a controversy between two political communities, contending for the right of sovereignty, jurisdiction and soil, as well as persons residing thereon, to a certain well defined district of territory.

The claimant was engaged for the Indians, much the weaker of the two contending communities in respect to strength and power, as well known to the whole country. They were, therefore, exposed to all the evils and hazards which necessarily endanger a weaker community when exposed to a long continued and violent controversy with a stronger one, in every point of view, both physical and intellectual. And, in view of the particular

case now before us, we are constrained to entertain the opinion that the best interest of the Cherokee people would have been promoted and greatly advanced by avoiding the conflicts and controversies into which he claims the credit of introducing and continuing for many years.

The Cherokees can never be remunerated in dollars and cents for the losses which they have sustained by being thus kept in conflict with the white population, for lo! these many many years. By the long continuance of this controversy, they have acquired all the vices of the most abandoned amongst the white population, while they have acquired but few of their virtues. Therefore, the obtaining of money, by protracting their strifes, entitles this claimant, in the estimation of the Commissioners, to no additional compensation for his services whatever.

As set forth by the claimant, he did all he could to increase the controversy, until forced to abandon it by the legislation of Georgia. That the labors and efforts of the claimant were arduous, long and often unpleasant may readily be admitted; but that these services were beneficial or advantageous, either to the Cherokees or whites, can by no means be admitted or believed by the Commissioners.

We believe his labors from first to last have been one unmitigated curse to the Cherokee people. If the claimant abandoned, as he has represented, a lucrative practice of the law, worth upwards of four thousand dollars per annum, to engage in a more laborious and less pleasant business, it was the voluntary act of the claimant himself, and one for which we cannot recognize any just claim to any more than *reasonable* compensation.

From the best lights which we have been able to obtain on this subject, in making up a judgment on the demands of the claimant, we have arrived at the conclusion that, by a fair and honorable practice of the law, two thousand dollars is a fair and reasonable compensation for attorneys of the best standing in this section of the country. And, further, we cannot admit, from any evidence before us, that the employment of the claimant by the Cherokees as counsel so far engrossed his whole time and attention as to preclude him from other legal employment as to justify the belief that the Cherokee Nation stands justly indebted to him for the full value of his professional services for the entire time that he was in the employ of the Nation. We there-

fore deem it just and right to make a deduction of one-fourth of the time alleged by the claimant, at least, to arrive at what we deem to be a fair and *reasonable* compensation.

We have therefore decided and adjudged that the said Wm. H. Underwood, for a full and reasonable compensation for all his claims against the Cherokee Nation for his legal services, shall be allowed the sum of fifteen hundred dollars per annum, for the term of seven years, that being the time he was in the employ of the Nation, making the aggregate allowance of ten thousand five hundred dollars, from which sum, however, there shall be a deduction of fifteen hundred dollars—that being the amount heretofore received by the claimant, by his own admission—leaving a balance now due to the claimant, Wm. H. Underwood, of (\$9,000) nine thousand dollars. And for which said sum it is hereby ordered that a certificate be issued in favor of said claimant.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Note.—Let it be understood that the foregoing decision, as well as the next which will follow, were never entered on the records of the Commissioners for the reason, as hereinbefore explained, that the Commissioners adopted the judgment of the Indian Committee, which, as it pretty nearly agreed with the opinion of the Commissioners, was assented to, from prudential motives.

WILSON LUMPKIN.

Commissioners' Office,
New Echota, July 1st, 1837.

The following claims of lawyers, alleged to have been rendered to the Cherokees, in the way of legal services, appear to the Commissioners to be so connected and commingled together as to render it most expedient and proper to investigate and present them in the same connection which they seem to bear to each other.

These claims are presented in items, but the aggregate amount claimed by each individual is as follows, to wit:

Wm. H. Underwood	\$ 38,602.00
Samuel Rockwell	31,790.00
Wm. Y. Hansell	31,075.00
Barron & Irwin	19,375.00
Edward Harden	8,000.00
Aggregate amount of these claims	<hr/>
—six lawyers	\$128,842.00

All the claimants in the above cases, except Barron & Irwin, have submitted satisfactory proof that they were employed by John Ross, the Principal Chief of the Cherokee Nation, and Ross alleges that he was authorized to employ them by the Council of the Cherokee Nation in all cases arising under the laws of the State of Georgia where a Cherokee Indian or countryman was a party in litigation, in any legal case which might come before the Courts of Georgia. The employment of Barron & Irwin is not so clearly proven, but they have produced letters from Ross to them, urging them to attend to Cherokee cases, and assuring them that they should be paid for their services.

The three first named claimants, to wit: Underwood, Rockwell and Hansell, have presented their claims both in a joint and separate form. First, they introduce the testimony of Mr. Schermerhorn, who negotiated the late Treaty of 1835 with the Cherokee Indians, to prove that the provision made in the 10th Article of the Treaty was made with a special view to provide for their claims for legal services rendered to the Cherokee Nation, and further that it was understood, at the time of negotiating the Treaty, that these individuals should submit to the Commissioners who might be authorized to settle claims arising under the Treaty a regular bill of fees and costs in all the suits in which they may have been engaged as counsel for the Cherokees; and, if lawyers' fees were not regulated by law, then they should be regulated by the usual charges of fees in similar cases, in the courts of the country where they practised as lawyers. And these claimants have accordingly made out and submitted to the Commissioners their several bills and charges, the reasonableness of which have been duly certified to by a number of practising attorneys. The case thus far would seem to constitute a regular firm, practising law for the benefit of the Cherokee people and in their behalf as a sovereign nation, in all cases whatsoever which might be brought against an individual of the Cherokee Nation.

But when the time arrives for making up the charges against the Cherokee Nation, then we find each of these lawyers drawing up his separate bill of charges and fees, and each one of this firm charging the Nation the full amount of fees which would have been charged if the whole services had been rendered by one individual, instead of the firm, and, in many cases, as will hereafter appear, additional auxiliary counsel claim to have performed the very same labor, and charge the full amount for having rendered said services.

The lawyers who have certified to the reasonableness of the charges of these claimants, we apprehend, are not apprised of the fact that each one of this firm has made the following separate and distinct charges, for their separate and individual benefit, in the very same cases, to wit: In a case of indictment for illegal residence, six defendants, each of these lawyers charges \$600.00 for his services. Again, in the case of trespass and false imprisonment, eleven defendants, each of these lawyers charges \$1,000.00. The State against eleven persons—false imprisonment—each of these lawyers charges \$1,200.00. Again, the State vs. Canotoo, an Indian, for digging gold, each of these lawyers charges \$1,000.00. Again, Lewis Ralston vs. Joseph M. Lynch, both native Cherokees, of the white blood, each of these lawyers charges \$2,000.00, &c., &c., &c., &c., &c.

If these claimants were really practicing as a firm in behalf of the Cherokee Nation, and the provision of the Treaty was made for their special and exclusive benefit, as Mr. Schermerhorn seems to understand the matter, then it would appear to us that no separate charges ought to have been made by them. We should suppose that all would have felt themselves bound jointly in every case, and ought therefore to have presented one consolidated amount against the Cherokee Nation, instead of these exorbitant and separate amounts. It further appears, from unquestionable testimony now before the Commissioners, that in very many of the cases in which these claimants have submitted their charges, separate and full, against the Cherokee Nation, other practising attorneys in the same courts have actually rendered the most important part of the services, and, we believe, in some instances, the whole of the services charged for by this firm, separately, each one for himself, and each an amount more than ordinary and sufficient to remunerate any attorney for attending to the whole case, solitary and alone.

If in a case of common assault and battery one hundred dollars be a reasonable fee, is it just, is it reasonable, that the Cherokee Nation should pay six lawyers one hundred dollars each for these services in such a case? Many such cases are before the Commissioners. It is not reasonable, and is not admissible, that a firm of three persons should have three times the value of the services of the whole firm, or that the firm should be paid for services rendered by others, instead of themselves, especially when those who actually rendered the services are standing at the door, claiming an exorbitant compensation for these services.

Upon the principle of allowing but one payment for services rendered in each individual case presented, the bills of charges by the six lawyers first herein named will be found to amount to something upwards of forty thousand dollars, which, without entirely disregarding the opinions of the attorneys who have certified to the reasonableness of these charges, will be greatly diminished by the following obviously just and necessary deductions: First, deduct the 25 per cent. which they have charged for delay in receiving payment for their services.

Second. Deduct all charges where both plaintiff and defendant were Cherokees in the cases, and in most of which it is believed that the persons now presenting the claims for legal services rendered the Nation have already been reasonably paid by the parties litigant themselves; because most of the litigation of this character has been amongst the intelligent and wealthy portion of the Cherokees, and deeply tinctured with the white blood. Indeed, they were often white men, entitled to native rights.

Third. Make a proper deduction where the defendants were numerous, and yet each defendant stands charged with full fees and charges, as though he stood charged for a separate offense from his fellows.

These deductions, in the aggregate, will be found to reduce the whole of the demands of these six claimants, upon the principles which we have laid down, to the sum of about thirty-one thousand dollars, which sum should be justly and equitably divided amongst these several claimants.

It satisfactorily appears in evidence that Edward Harden was as legally and regularly employed as one of the Cherokee counsel for the Nation as any one of his brethren of the bar, and for a time was considered quite a prominent associate of the firm hereinbefore alluded to;

but, from his showing, presented for services rendered by him, it appears that he attended but very few courts, as the advocate of the Cherokees, but that in important cases, where, we presume, the greatest legal efforts were deemed necessary, most of the charges of Col. Harden will be found to consist of items for mileage and for attending councils, &c. Under all the circumstances, we consider three thousand dollars a liberal compensation for Mr. Harden, for all the services rendered by him to the Cherokee Nation.

Barron & Irwin have submitted sufficient evidence to us to induce the belief that they performed much of the actual labor in very many of the cases in which the fees are claimed exclusively by Underwood, Rockwell and Hansell; but we do further believe that these services were considered rather as auxiliary to the firm than that of leading counsel; and, moreover, we have just reason to believe, from the evidence before us, that they have already received a fair compensation for a considerable portion of the services which they have rendered, and for which the Cherokee Nation has not been credited by them. It is therefore adjudged by the Commissioners that the sum of four thousand dollars, in addition to that which they have already received, is an ample and full compensation for all the legal services which they have rendered the Cherokee people and Nation.

It now remains to divide equitably between Wm. H. Underwood, Samuel Rockwell and Wm. Y. Hansell twenty-four thousand dollars (\$24,000); and, after the most full and careful investigation, we find it difficult to perform this part of the duty which devolves on us, because it cannot be performed, from its nature, with mathematical precision. The nearest approach which we have been able to make to that standard of justice and equity to which we have aspired has been to take into consideration the time which these several individuals have devoted to this Cherokee service, and this leads us to the conclusion that the claims of Messrs. Rockwell and Hansell stand upon an equal footing, and that the claim of Wm. H. Underwood is not inferior to both the others, when united.

We therefore award to Wm. H. Underwood twelve thousand dollars; to Samuel Rockwell six thousand dollars; and to Wm. Y. Hansell the like sum of six thousand dollars.

We are apprised that these six claimants have all received, heretofore, some compensation for their services—some more and some less. But as John Ross, the Principal Chief, declared to them, at the time of making them some small advances, that he wished them to consider these advances only as an earnest of what they should receive at the termination of their labors, we deem it improper to deduct the amounts heretofore received from the amounts which we may herein allow.

It is, therefore, after a full view of all the premises, ordered and adjudged that Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell, and Barron & David Irwin, do each of them receive the following sums, as hereafter stated, in full for their several claims against the Cherokee Nation, for legal services alleged to have been rendered said Nation, to wit:

Wm. H. Underwood	\$12,000.00
Samuel Rockwell	6,000.00
Wm. Y. Hansell	6,000.00
Edward Harden	3,000.00
Barron & Irwin	4,000.00

And it is further ordered and adjudged that certificates do issue for the same accordingly.

Signed, &c.,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
July 4th, 1837.

The Commissioners having made and recorded the foregoing decision, as their final judgment upon the claims of Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell, Edward Harden, and Barron & David Irwin, have, after further and most mature consideration, felt fully confirmed in the correctness of the decisions and judgments which they have thus recorded in regard to the said several claims. Nevertheless, they are impressed with the belief that it is due to the magnitude of these cases, and the principles which are involved in their consideration, further to state that the Commissioners, in making up their opinions upon these several claims, did not fail carefully to examine all the allegations set forth

by these several claimants, whether presented in a joint or ex-parte form, especially those of Wm. H. Underwood, Esquire, who was obviously the leading and original counsel and adviser of the Cherokee people, his several associates having entered the Cherokee service at more recent dates, and all having practiced harmoniously together, and striving for the same leading object previous to the late Cherokee Treaty of 1835. And Wm. H. Underwood, Esq., alleges that he was employed as the attorney of the Cherokee people by their *prince*, John Ross, in a controversy of the most vital importance to them, involving questions of the greatest intricacy and difficulty, and for which, as he now alleges, he was to be paid to his full satisfaction, when the controversy was ended. He further states that the controversy in which he was engaged was rendered much more perplexing and arduous by the continued legislation of the State of Georgia, at every session of the General Assembly from 1828 to 1835, inclusive, and that for several years he succeeded by his individual efforts, unaided by the efforts of other counsel, in thwarting and preventing the due execution of the laws of the State of Georgia, by obtaining from the courts the most important decisions in favor of the Indians, and in contravention of the laws of the State. He further states that the service in which he was engaged required of him the deepest research and investigation, in order to devise a remedy to meet the new exigencies growing out of the legislation of Georgia; and further to sustain the foregoing allegations, this claimant again gives a brief history of the proceedings, hereinbefore alluded to, and again adverts to his untiring efforts to obstruct the operation of the laws of Georgia from being exercised over the Cherokee people. This claimant further states that he continued zealously and successfully to sustain the Cherokees in opposition to the laws of Georgia, until the passage of an act of the Legislature, divesting the courts of equitable jurisdiction over such cases as he had been advocating in favor of the Cherokee people; and that, after the passage of the act last referred to, he could no longer sustain the Cherokees against the legislation of Georgia.

(September 27th, 1853.—In the midst of copying this article, the reader will please to indulge me in remarking, just in this place, by way of parenthesis, that the very act of the Legislature last alluded to by Judge Un-

derwood, was passed by the Legislature of Georgia on my special recommendation, and was intended to effect the very object which was so effectually accomplished, as admitted by Judge Underwood. And this was the good result to Georgia for my bringing to the notice of the Legislature (in 1834) the conduct of Judge Hooper and this very combination of *fict* lawyers and party politicians for which I have been so often unjustly censured and abused.)

Whereupon, the claimant states that he repaired to the City of Washington, as the friend and attorney of the Cherokees, and advised them to enter into a treaty with the Government of the United States. And the claimant further states that he cannot resist the conclusion that the Cherokees have obtained by treaty some millions of dollars more than they would have done had it not been for the protracted struggle *which he enabled them to make*. The claimant further states that the service in which he was engaged for the Cherokees employed his entire time and talents for many years, and caused him to abandon a lucrative practice, as a lawyer, which was worth more than four thousand dollars per annum.

The next two claimants in order, Messrs. Rockwell and Hansell, together with Mr. Underwood, in a subsequent and joint communication to the Commissioners, represent their claims in the following words: "We encountered great difficulties, incurred much expense, and labored under constant expectation of personal violence, in consequence of the excited state of feeling, deep prejudice and odium which our espousing the cause of the Cherokees created against us. The importance of the principles to be settled, the magnitude of the questions discussed, the value of the property involved, as also the rights of the Cherokees, together with the vast extra services rendered to this people, when out of court, in discharging them from imprisonment, are urgent reasons in favor of our claims, and to support our charge of 25 per cent. for delay of payment, &c.

"We also ask a liberal compensation for our extra services at Washington, which resulted in the ratification of the present Treaty, for which we ask the Commissioners to fix a reasonable amount. It is considered by all, particularly by the Commissioner who negotiated the Treaty, that our services were most valuable, and without which the Treaty would not have been made or ratified. By it

the Cherokees are now made wealthy, and are fully and amply provided for, with a sum more than as large again as was ever before offered to them for their country."

In the investigation of these lawyers' claims, the Commissioners have by no means confined the range of their reflection and consideration to dollars and cents. To the mere amount charged by these claimants—*large as that amount certainly is*—it is deemed to be of but small importance, when compared with the magnitude of the principles involved.

Admitting the correctness, as we do, of most of the historical facts set forth by these claimants, and what have been the nature and character of the controversy in which they have been engaged? From their own showing the controversy has been a political one, from beginning to end, not only of vital importance to the Cherokee people, but of vital importance to Georgia, one of the sovereign independent States of our Federal Union.

The controversy in which these claimants have been engaged, in behalf of the Cherokees, originated and was carried on as a controversy between two political communities, contending for sovereignty and jurisdiction over territory and persons residing in a certain district of country, and hence arose all the excitement, hazards, and odium to which these claimants have been exposed, as set forth by them. Had they any reason to expect less? Yea; had they not good reason to have supposed that the part which they have acted in this matter would have exposed them to the severest punishment known to the criminal laws of every civilized State? They were citizens of Georgia, in the full enjoyment of all the advantages of the benefits of the legislation of the State, and all the immunities of other citizens. And they now come before us, and claim to have been the successful instruments of stirring up the Indian population of the State to rebellion against the laws of the State. They claim to have thwarted and impeded the laws of the State. They claim to have persevered, and they say, successfully, in this cause for seven years, to the great and constant annoyance of the State and all its peaceable and good citizens. Moreover, they openly boast of their influence over judges and courts so far as to obtain from these courts decisions favorable to their continuance in impeding and overturning the legislation of the State. Finally, they admit they were legislated out of their occupation of stirring up mischief and strife, and compelled to ground their arms,

by the legislation of Georgia in 1834. They then claim to have made a virtue of necessity, having as their showing exhibits, gained a complete ascendancy and control over the volition of the Cherokees, and, after exercising their influence, to keep them in strife with the State of Georgia for seven long years. And the State of Georgia, having become impatient and assuming an aspect of severity against such perfidious conduct of her unloyal citizens who had proved traitorous to her welfare and best interest, these same claimants posted off to Washington, as the safe depository of the best of the Cherokee people. And these claimants claim to be the inspiring cause of forming the Cherokee Treaty of 1835. But this is not all; it was, as they allege, through their influence alone that the Treaty was ratified by the Senate of the United States. Moreover, they fixed the consideration money which was to be given to the Cherokees for ceding their rights to the country. More yet, they fixed the price at several millions of dollars more than could ever have been obtained before. According to their showing, it would seem that they held in their hands the rights and destiny of nations and peoples.

Nothing seems to have been equal to a controversy with these extraordinary lawyers, except the Legislature of Georgia in 1834. These men, if they are to be believed, were the instruments to get up a controversy and strife between Georgia and the Cherokee Indians of a deeply vital character, they kept up and aggravated that controversy over seven long years, and, when forced to abandon it, they seem to think they ought to be rewarded most extravagantly for creating strife and deep injury to both the State of Georgia and the Cherokee people, and be liberally rewarded *for making a virtue of necessity*.

We admit the temporary success which attended the efforts of these claimants and their political associates, in thwarting the Legislature of the State of Georgia, as well as the policy of the Government of the United States, in their object of the removal of the Cherokees to the West. And, moreover, we admit that the perseverance of these claimants was checked alone by the face of public opinion expressed through the Legislature of Georgia. And, further, it is admitted that these claimants, by their aid in protracting this controversy, excited the sympathy of the country, and helped to turn away the impending evils which this delay was likely to bring upon this unfortunate remnant of a once mighty race, and thereby induced

the Government of the United States to give to these unfortunate people a most exorbitant price for the territory which they claimed. If these claimants really rendered any aid in making and ratifying the Treaty of 1835, it was when further resistance to the authorities of Georgia not only became hazardous but hopeless, and the claimants should be credited with having made a virtue of necessity.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Extract from a communication made to the Commissioners, in writing, Sep. 12th, 1837, and signed by Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell and Barron and David Irwin, on the subject of the claims of General Edward Harden against the Cherokee Nation;

To wit: "We ought not, perhaps, to close these remarks without adverting briefly to the report of the Indian Committee which made the allowance of \$3,000.00 to General Harden, and \$1,000.00 to H. L. Simms, in order the more clearly to manifest its want of justice to ourselves.

"In the amounts of General Harden, it is worthy of remark, and should be specially noted, that he has not put down any specific services that form a just claim against the Cherokee Nation, except the case of Canatoo, and in that case the services (if any) were voluntary, and rendered before his employment. This is a fact known to one of us (Judge Underwood) and stated by his authority.

"Let us now analyze his account. In March, 1831, and in September following, the missionary cases were disposed of, for which he charges \$1,500.00. In this case, from the letters which his overweening vanity prompted him to exhibit, they voluntarily paid him \$100.00, as a donation for his services. Besides, these missionaries were white men, sent into the Nation by the Board of Foreign Missions, and were neither Cherokees nor the descendants of Cherokees, nor Indian countrymen. This certainly then can form no just charge against the Nation. We proceed with this account.

"The next item is for various cases, at different times, \$250.00. This probably was placed in general terms, because it would have been imprudent to specify. The next

item is for traveling to the Council of the Cherokees, at Red Clay. There is no pretense that he was ever requested to attend said Council, nor is there any evidence that he was there in any other capacity than that of a volunteer.

"The next item is: visiting John Ross at Cassville, \$500.00. This visit was also before his employment by the authorities of the Cherokee Nation, and made for the express purpose of procuring that employment. This, according to the dates in his account, was in December, 1833, and is the date of his employment. The next item is for obtaining injunctions, \$250.00. He prudently leaves to conjecture what he did to obtain these injunctions. The bills were drawn by one of the undersigned, Judge Underwood, and printed, for convenience. In his item for injunctions he carefully omits to give the cases.

"The next two items are for attending Cass Court, in March and April, 1834, \$1,700.00. Here again no specific case is stated, and a modest charge, truly, for a man to make for two visits to Cassville, who held himself incapable of charging more than he was entitled to for his services, by the judgment and opinions by men of the greatest legal talents and moral worth in the State, but whose names he cautiously and studiously conceals. Do these items exhibit what he did at Cass Court? They do not. The extent of his services is carefully concealed, doubtlessly from prudential motives.

"The next item is for furnishing briefs in injunction cases. It would be highly edifying to have the perusal of that vaunted brief, in four pages. It is somewhat singular, considering the character of the man, his great depth of research, *surpassing legal acumen*, and profound judicial knowledge, that this said brief has not before this found its way into some of the literary periodicals of the day, to cheer the poor Cherokees in the reflection that our great ancestor, Adam *was a red man*; for, if our memory serves us, this was the whole burden of this extraordinary brief. The next item is: attending the case of prisoners, 250 miles, \$250.00. The date is in August, 1834, and it is known that the General was then on his way to John Martin's, to obtain his \$500.00, appropriated to him by the Cherokee Council, at Red Clay. He accidentally, we believe, met with certain persons in the custody of the Georgia guard, and, for this, his tender conscience permitted him to charge \$250.00—rather a profitable trip! But he took no measures whatever for

the release of those persons. Two of the undersigned, W. H. Underwood and Wm. Y. Hansell, went to Spring Place, and effected their release, without aid or assistance from the General.

"The next item is: attending the courts of Cass and Cherokee Counties—charge, \$500.00. Yet he exhibits no specific service rendered at either of these courts at which he may have staid two or three days.

"The next item is: attending as a witness at Milledgeville—and from the date of the item, Dec., 1834, we presume the case in which he attended as a witness was that of Judge Hooper. The General must be hard run indeed to find charges against the Cherokees, when he resorts to such an one as this—\$250.00 for such service! This case is familiar to us all, and we are at a loss to conceive upon what ground the General charges the Cherokee Nation for this trip to Milledgeville; besides he received pay from the State. This, indeed, is standing "*on high ground.*" Why, if this be a just charge against the Cherokees, the General could with equal propriety charge for many a bootless trip which he has taken to the various courts in the circuit in which he resides! He should carefully have scanned his own accounts before he ventured gratuitously to have attacked others.

"The next item is for again attending Indian Council, at Red Clay, \$500.00—in October, 1835. This was another volunteer trip of the General, for which we presume the Indians were expected to have been charged.

"The next item is for attending Lumpkin and Forsyth Courts, in October, 1835—\$250.00. Unfortunately for the General, the courts in neither County was held in that month. Here the omission of specification does not aid him, for by the court calendar of that year Lumpkin Court sat in August, and in Forsyth on the first Monday in September. This item must be placed to an hallucination of mind, in which the General sometimes indulges. The last item is a general retaining fee, \$1,000.00. In putting down this pregnant item he probably intended it to be a "*file closer,*" and so, indeed, it proved to be, since it rounded out his aggregate in round numbers, to \$8,000.00!!!

"This forms the sum of this amount which the General says was made out on the opinions of men of the greatest legal talents and moral worth in the State of Georgia. Of this sum he has actually received the sum of \$3,500.00! It may be gravely asked for what? Has he rendered any

specific legal services? If he has, where is the proof? Yet this is the man who professes himself to be the occupant of higher ground than to aid his suffering clients in effecting a treaty with the Government, and who has ventured to make a wanton and gratuitous attack upon those who were instrumental in procuring that happy result. But, while the General has placed himself in this awkward attitude, the glaring injustice of the Indian Committee is yet more manifest, in taking from others a portion of that sum set apart for the payment of accounts for specific services, actually rendered, and giving it to him who had already been more than compensated for all he had ever done." *

Here follows an extract from a communication received by the Commissioners from Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell and Barron & David Irwin, dated Sep. 12th, 1837, relative to the claims of Henry Lightfoot Simms, attorney-at-law, against the Cherokee Indians:

"We shall now briefly notice the accounts of Henry L. Simms, presented for nearly \$7,000,000. When we first heard of this claim we were *amazed*, for we know that during the time of the Cherokee difficulties, and when they were thickening and deepening around them, this same man, Simms, occupied situations entirely adverse to their objects and interests.

"We find him a surveyor of the lands, the subject matter of controversy; Clerk of the Lottery which disposed

* Justice to the memory of General Harden, whose descendants cannot be heard in reply to this vituperative statement, demands that something be said as an offset to an attack in which so much bitterness appears. No attempt at a regular defence against the declarations in the foregoing paper will be made, but the following brief recital of facts will suffice to show that the good character of the General ever after remained as unsullied as it was before that paper was written, and that much of what was said about the extravagant bills of the lawyers named was exaggerated and uncalled for.

On the 23d day of July, 1846, nearly nine years after the letter of Messrs. Underwood, Rockwell, and others, was written, a commission was issued to General Edward Harden and Mr. B. H. Brewster, by the President of the United States, as Commissioners, under the 17th article of the Treaty of Dec. 29, 1835, "to examine claims arising under said Treaty." It should be borne in mind that the service thus required of these gentlemen was just what Governor Lumpkin was supposed to do during his eighteen months' service as Commissioner under the same Treaty, beginning early in 1836, and ending with his resignation when he was elected U. S. Senator from Georgia, in November, 1837.

The duties of General Harden and Mr. Brewster were faithfully performed, and their report, dated and filed July 23, 1847, was submitted to the President, and bears this endorsement:

"This report of the Commissioners under the Treaty of 1835-6, with the Cherokees, will be placed on the file of the Indian Bureau, where the other papers and records relating to the Commission will be deposited.

Washington, July 24, 1847.

(Signed) James K. Polk."

The report is No. 63, in Vol. VIII. of House Executive Documents, 1st Session 30th Congress.

of the lands; a member of the Legislature of 1834, and voted for the law of that session which destroyed the rights and abridged the equity power of the courts to relieve them; a member of the Committee to investigate the conduct of Judge Hooper—he voted censure on the conduct of that Judge, for extending the mantle of the law in protection of the Cherokees; and lastly, a public prosecutor, to convict and punish the Cherokees for offenses committed against the laws of Georgia. Yet during all this time he now claims to have been one of their counsel, and obtains a certificate from a Cherokee of having rendered extensive service to the Cherokee people. Nor is this tissue of inconsistencies all, for he claimed merit before the then Governor of Georgia, that he was in favor of all the Indian policy of the State, and would have nothing to do with those lawyers who were striving to prevent the execution of the laws of the State, yet, after the many cases, civil and criminal, were adjudicated and disposed of, and after the ratification of the Treaty, he placed his name on the dockets of the courts, and claims from the Commissioners compensation for legal services rendered the Cherokees, while all concerned well know this attempt to obtain money is a gross fraud.”

I might extend these extracts, and similar ones, going to prove the dishonesty and fraud of every one of this whole *pack* of lawyers, to an almost indefinite extent. But let it suffice to say that Judge Kennedy and myself entirely concurred in the opinion that these men, from first to last, had been nothing more than one unmitigated curse to the Cherokee people, and that not a man amongst them was worthy of credit.

The foregoing extracts from the voluntary written testimony of lawyers who were claimants under the Cherokee Treaty for services rendered the Nation, is but a moiety of the mass of testimony of the same character which was placed in the hands of the Commissioners, in order to detract from the merit and justice of each other's claims. I never conversed with one of these lawyers alone who did not declare to me the fraud and corruption of every *lawyer* claimant, except himself. Therefore, they all privately threw stones at each other. And this has been my reason for exhibiting, for the use of posterity, the corruption and perversity of this vile combination of *feed* lawyers, who acted as stipendiaries to John Ross, who would have utterly ruined and extinguished from the face of the earth the remnant of the Cherokee Indians

but for the interposition of the Government of the State of Georgia.

And much as Georgia has been reviled, persecuted, slandered and abused by both deluded and designing persons, for the course of her policy toward the Cherokee people, but for the untiring and persevering exertions of some of her sons, who were in the right position to exert influence in carrying out her policy, these Indians would have been utterly and hopelessly destroyed. I often officially denounced this *pack* of lawyers, while in the Executive Office of Georgia, and their baseness and perfidy have been established by their own testimony, one against another, which goes to prove their selfishness and dishonesty, while pretending to advocate the rights of the Indians.

I have but partially submitted to the reader the great mass of material in which I abound to develop my official transactions in connection with the execution of the Cherokee Treaty of 1835, as Commissioner on the part of the United States to discharge such duty; yet I fear that I have already presented more than sufficient for the patience of most readers. I am fully apprised that documentary history, even on the most interesting subjects, will not be read by most persons with that interest and perseverance which the importance of the subject may demand.

I trust, however, that I have dwelt sufficiently on this subject to preserve many of the important truths of an important portion of the history of the country, and to enable the patient reader to judge correctly on a portion of history much involved in obscurity, by misrepresentation and perversion. I have been resolved, at least, to afford the opportunity to all such as may take any interest in the matter to form a correct opinion of my own merit, or demerit, in connection with this important trust, and at the same time progress with that chain of Indian history with which a great portion of my life has been so closely identified. I have endeavored to confine myself to such portions of the subject as I deem to be most important.

CHAPTER XVI.

After my election to the Senate of the United States, by the Legislature of Georgia, my whole attention was directed to the consideration of the discharge of the new duties thus devolved on me.

I had often said and thought that the Senate of the United States, from its first organization as a body under the Constitution of the United States, had maintained a character which entitled it to the just claim of being one of the greatest assemblages of men on earth, unsurpassed in wisdom, dignity and moral worth.

In point of talents, learning, variegated cultivation, experience and statesmanship, I can think of no assemblage of men in any country who equal, or will bear a favorable comparison with, the Senate of the United States. No one individual is great in everything. Some are distinguished for their superiority in one thing, and some in another. But the body, as a whole, is exceedingly well qualified to contest the question of greatness, when compared with any other body of men on earth. And the particular time (Nov., 1837), when I entered the Senate of the United States as a member, I think may justly be considered the palmy days of that body. There were Calhoun and Preston, from South Carolina; Clay and Crittenden, from Kentucky; Webster and Davis, from Massachusetts; Grundy and White, from Tennessee; Wright and Tallmadge, from New York; Benton and Linn, from Missouri; King and Clay, from Alabama; Sevier and Fulton, from Arkansas; Buchanan and McKean, from Pennsylvania; Rives and Roane, from Virginia; Southard and Wall, from New Jersey; Pierce and Hubbard, from New Hampshire; Cuthbert and Lumpkin, from Georgia; Strange and Brown, from North Carolina; Allen and Morris, from Ohio; Tipton and Smith, from Indiana; Clayton and Bayard, from Delaware; Niles and Smith, from Connecticut; Walker and Henderson, from Mississippi; Young and Robinson, from Illinois; Prentiss and Swift, from Vermont; Mouton and Nicholas, from Louisiana; Lyon and Norvell, from Michigan; Robbins and Knight, from Rhode Island; Williams and Ruggles, from Maine.*

*The Senators from Maryland at this time were Messrs. Kent and Spence. The omission of their names by Gov. Lumpkin is presumably an oversight.

It is true that many of the Senators here named, like myself, never claimed for themselves the distinction of being considered great men; but there is scarcely an exception on the whole list who might not have claimed for themselves, justly, the distinction of being born useful men in the service of their generation. And it is a notorious fact that in all legislative bodies those who make the least pretensions to public display of any kind perform the largest share of labor in the useful business of legislation.

The most laborious and important work in all legislative bodies is performed by its committees, and thus prepared for the discussion and action of the body. And generally the members who make least display on the floor of the Legislature, in truth, render the most important service to the country.

But in such a body of men as the Senate of the United States I could but feel the magnitude of the responsibility of my position. Upon mature reflection, however, my embarrassments were measurably dissipated, and that, too, from the consideration of the character of the body with whom I was now officially associated upon terms of perfect equality. I felt confidence in the character and intellectual capacity of my associates. I felt that to each individual member was secured a perfect, reliable guarantee of justice, and that each member would have conceded to him, by that body, all the merit and credit to which he might have any just claims. I knew, moreover, that no man, however gifted, could pass himself off for one copper more than his true intrinsic merit and worth of character entitled him to. These considerations at once placed me in ease. And never have I acted in any assembly of men, before or since, with so little embarrassment.

Having made up my mind to be content with zealous, honest efforts to discharge my whole duty, and be content with the award of others, I had no further trouble, but to labor in my sphere.

In this spirit, and with these reflections, I took my seat in the Senate of the United States on the 18th day of December, 1837, and it will be seen from the report of the proceedings of the Senate, as given in the Congressional Globe, that I took no active part in the discussions of that body, until the third of January following, when Mr. Calhoun's celebrated resolutions on the rights of the States, especially in connection with the slave question,

was under discussion, when Mr. Lumpkin is reported to have addressed the Senate, for a considerable time, in favor of said resolutions, and in favor of retaining them, as originally presented by Mr. Calhoun. He believed that a larger portion of the North, at present, was opposed to the constant agitation of the question of slavery, as persevered in by the Abolitionists and took no part in the proceedings of these agitators, and although the Senate might not have the power to entirely suppress this spirit of fanaticism, it might, by the passage of these resolutions, check the proceedings of these excited and misguided people. Mr. Lumpkin then went into a constitutional view of the subject, after which the question was taken, on Mr. Morris' motion, to strike out the words "moral and religious," when there appeared 14 in favor of the said motion and 31 against it. And by these proceedings may be seen the rapid advance of abolition since that date.

The report says this is but a slight sketch of these proceedings, and that the remarks of the speakers will be given from time to time, as prepared from the reporter's notes. My own remarks on this subject were never written out, either by the reporter or myself, and too much time has elapsed since for me to attempt to repeat them accurately. I have no doubt, however, but I argued then, as I do now, and have always done, that Congress had no constitutional power to legislate on the subject of slavery, with a view to encourage or countenance the spirit of abolition; but that the subject should be left where the Constitution had placed it, and let each State act for itself on the subject of slavery.

It was the duty of Congress in this, as well as all other cases, to protect each State of the Union in her constitutional guaranteed rights, and, as far as practicable, to suppress all impertinent intermeddling with the domestic institutions of the States.

Therefore, by expressing the opinion of the Senate on these resolutions, some good might result, in staying the wild spirit of these Northern fanatics who seem to be much more concerned about the affairs of others than their own.

At least, the passage of these resolutions might place an effective weapon in the hands of our Northern friends who are for peace and the Constitution.

I have long believed that neither the aggrieved States nor Congress had the power to put an effective stop to

the impertinent intermeddling of the Abolitionist of the non-slave holding States with the institution of slavery. Ever since I have reflected upon this subject I have been convinced that the battle must be fought where the enemy is to be found—he must be met face to face, in striking distance. If the majority of the people of any State be sound on this subject, they have the power effectually to stay the progress of the Abolitionist. Let us, then, by the passage of these resolutions, strengthen the hands of the sound men of the North.

After due reflection, I have deemed it most expedient to give to the reader, in the next place, most of the prominent struggles which I encountered in connection with Cherokee affairs, in the order in which they occurred, in the Senate of the United States, and thereby, as far as practicable, close the history of my official connection with these Indians affairs. To do this, I will give, in consecutive order, the speeches made by me in the Senate of the United States. This kind of documentary history is the least liable to improper coloring, or misrepresentation; for these speeches were chiefly written out and published by the reporter of the Globe office, without any alteration or correction whatever from me.

It is my intention, hereafter, to advert to my senatorial course on various other subjects, but in this, from the time of life, being three score and ten, I may never accomplish my present purpose—in that case I must leave to posterity the labor of my unfinished work.

On the 22d of January, 1838. From the Congressional Globe:

Mr. Lumpkin rose and stated that, in compliance with a resolution of the Senate, that a communication from the War Department has been made, and has been lying on your table for a week or more, furnishing copies of correspondence held with department in connection with the subject of the execution of the Cherokee Treaty of 1835, which he now moves might be taken up. Mr. Tipton, of Indiana, inquired if the document which the Senator referred to was the memorial of John Ross and others, presented at the last session and laid on the table.

Mr. Lumpkin replied it was not, and again explained the nature of the document which he called for. My object, (continued Mr. Lumpkin) in rising at this time is to ask for the printing of the communication referred to, together with the accompanying correspondence.

Although I have not had the opportunity fully of examining what has been communicated on this subject, I take it for granted that the requirements of the resolution have been complied with; and, if so, I deem it important that the Senate and the country should, without delay, be put in possession of the information communicated. The importance which I attach to having this information diffused arises from the consideration that it will tend effectually to disabuse the minds of those who labor under the misapprehension which has been created by Mr. John Ross and his associates in regard to the validity of the Cherokee Treaty of 1835.

While Mr. Ross continues to protest against the validity of the Treaty, and is remonstrating to every department of the Government against its execution, this communication is expected to show that the Government not only considers the Treaty the supreme law of the land, but has steadily progressed in its execution, and that the Treaty has actually, to a very great extent, been already executed, that very much has been done in execution of the Treaty which can never be undone.

With me, sir, the execution of this Treaty is a subject of very great importance, in whatever light I may be viewed here or elsewhere. In regard to my feelings and policy toward this people, I am conscious that the day will come, and is not now far distant, when my course of policy towards this people, from first to last, will receive the approbation of all those who are well informed on the subject; at this moment, sir, nothing hinders the speedy consummation of this Treaty with the Cherokee people which would make them not only comfortable but would place within their reach the means of making them the most independent and best provided for people of almost any community in the United States, except the opposition of John Ross and his associates, aided, as they are, by influential and talented individuals whom I am forced to believe are still laboring under great misapprehension in regard to the true state and condition of this people, and the impending dangers which are threatening them at the present moment.

This Treaty, sir, has been made and ratified according to the forms of the Constitution. It was negotiated with a delegation of the Cherokee people, who, in point of intelligence, patriotism, education, morality and probity of character will not only bear a favorable comparison with Mr. Ross and his delegation, now, perhaps, in the

hearing of my voice, but they would gain by a comparison with any delegation of the aboriginal race who have ever negotiated and signed a treaty with the United States.

I have seen and read, sir, Mr. Ross's memorial, with its appendages, to the present Congress, which has been printed by the other branch of Congress, and laid upon our tables. In that memorial he greatly derogates from the character, and impunes the motives, of the individuals who negotiated and signed the Treaty of 1835; and, that document being printed and circulated by one branch of Congress, I will now notify the Senate that I have in my possession a document written by Mr. Elias Boudinot, late editor of the Cherokee Phoenix, and one of the principal agents who negotiated and signed the late Treaty of 1835. This document is in the nature of a reply to the various allegations contained in the writings in his memorials herein referred to. Mr. Boudinot is a man of education, refinement and high moral sense of propriety, and has at all times been the able, efficient advocate and defender of the rights of his people. He has been with them in their six troubles, and is not disposed to forsake them in their seventh. If left to his guidance, he would quietly lead them out of all their difficulties by which they are encompassed, and plant them in a land of excellent promise. Mr. Boudinot is not only a nominal Cherokee; he is fully identified by blood and feeling with these people, having but little, if any, of the white blood coursing in his veins. The propriety of printing the communication, together with the document referred to, arises from the fact that the Cherokee people are still kept in a state of delusion and misapprehension in regard to their present condition. Many of them, unfortunately, believe that Mr. Ross is doing *something* here to abrogate and overturn the late Treaty; and no doubt many of them believe a valid treaty cannot be made without the assent of Ross. This is a most dangerous delusion to these unfortunate people, for the time is now speedily drawing to a close when they must take their departure for their new homes in the West. The time stipulated for their final departure is in May next, and when the time arrives, go they must. It will be said to them, "take up your beds and walk." No earthly power can abrogate or prevent the execution of this Treaty; and these people, instead of being kept in dalliance by Ross and his associates, ought to yield to the advice of their better friends who stand ready to take them by the hand and lead them forth to their promised

land of rest, where the white man will cease from troubling. Payments have been made under the Treaty to a very large amount. Nine-tenths of the most intelligent and wealthy Cherokees have availed themselves of the liberal advantages of the Treaty provided for them, and have become recipients under its provisions, and have either gone, or are preparing to go, to the West. The only difficulty is with the ignorant and deluded, who are still looking to the operations of Mr. Ross, at Washington, and his delegation, who, I understand, still remain here, and some of whom may now be in our galleries, watching our movements like lobby members. They are also engaged in writing letters home that their prospects are very encouraging here. Now, every one here knows this Treaty will be executed. Yet these unfortunate Cherokees are still kept in a state of delusion through the channels suggested.

Mr. Tipton said he now understood the Senator from Georgia, and highly approved of his object, &c., and the question then being taken on printing 500 extra copies of the communication from the War Department, it was agreed to.

Mr. Lumpkin then offered the following resolution, which was considered and agreed to:

Whereas, a memorial, accompanied by various other documents, of a delegation of Cherokee Indians, remonstrating against the Cherokee Treaty of 1835, has been printed by order of the House of Representatives;

And whereas, said memorial and documents not only call in question the validity of said Treaty, but greatly derogate from the character and impunes the motives of these individuals of the Cherokee Nation who negotiated and signed said Treaty, on the part of the Nation;

And whereas, Elias Boudinot, late editor of The Cherokee Phoenix, and one of the principal agents of the Cherokee Nation who negotiated the Treaty, has written a reply to the various allegations set forth in the memorial hereinbefore referred to; therefore be it

Resolved, That fifteen hundred copies of the reply of Mr. Boudinot, herein referred to, be printed for the use of the Senate.

Which was agreed to by the Senate.

In Senate, Wednesday, 18th of April, 1838.

The bill to provide for the security and protection of the emigrant and other Indians West of the States of Missouri and Arkansas was taken up, as in Committee of the

Whole, when Mr. Tipton addressed the Senate at length on the merits of the bill.

After which Mr. Lumpkin expressed a desire that every member of the Senate would turn his attention to the importance of this bill. He felt convinced that when Senators came to look into the merits of this bill it would not only meet the approval of the Senate but of every intelligent, considerate man of the country. Mr. Lumpkin had no scruples as to the power of the Government to extend to remnants of this once mighty and chivalric race all the lasting benefits of civilization which can be enjoyed by an agricultural people. Yea, he even looked forward to the day when these unfortunate sons of the forest—these children of Nature—might possibly become a part and parcel of ourselves, advancing with the same rapid strides in the pursuits of knowledge, wealth, civil liberty, and all the other requisites of human comfort and happiness.

The same bill was again called up April 27th, 1838.

When Mr. Lumpkin urged the Senate to proceed at once to the consideration of this important measure which he looked upon as the best which could be devised, not only for the protection of the frontier States of Missouri and Arkansas, but for the Indians themselves, and as eminently calculated to elevate and improve the condition of the Indians. The objects embraced in this bill, Mr. L. said, were not new—the subject had been before the country from the days of General Washington till now, and, by a reference to public documents, it would be seen that Mr. Jefferson and all of his successors in office had viewed it as a subject worthy of the consideration of Congress to civilize and improve the condition of our native Indians. In the course of his remarks Mr. L. adverted to the two able reports made on the subject by Mr. Monroe and Mr. Calhoun, and said the subject had been discussed until it would seem that it ought to be familiar not only to every member of Congress, but to all the reading portion of the country.

He said that the information presented at the present session of Congress, and the able speech of the honorable Senator from Indiana (Mr. Tipton), so replete with information and detail, would be sufficient to gain the attention of any Senator to this subject. Mr. Lumpkin said he would not now attempt to enter into an argument in support of the bill, for he concurred with his friend from Indiana (Mr. Tipton) that this would be unnecessary, un-

less some more plausible objection should be urged against it than had yet been advanced.

Should it become necessary, he felt confident that the friends of the bill would be able to answer fully all objections which might be made to it; and he, himself, would most cheerfully contribute his mite.

Neosha Territory again. In Senate, April 30th, 1838.

The Senate resumed the consideration of the bill to provide for the security and protection of the emigrant and other Indians West of the States of Missouri and Arkansas, the question being on the amendment proposed by Mr. King, of Alabama, to set apart the territory of the United States north of the Missouri and west of the Mississippi, to which the Indian title has been extinguished for the Northern Indians.

Mr. Lumpkin addressed the Senate as follows:

Mr. President: When I consider the magnitude of the question, in all its various bearings, and how deeply it concerns the honor and character of the Government of my country, I can but approach it with a due sense of the responsibility which devolves on me. I regret that the consideration and progress of this very important measure should be embarrassed by the proposed amendment of the honorable Senator from Alabama, an appendage calculated, in my judgment, if sustained, to defeat the original measure itself. This amendment, in connection with the remarks made in its support, which have fallen from several honorable Senators, gives to the proposition a sectional character which cannot fail, if the amendment be incorporated in the bill, to defeat the entire measure. I represent a portion of the Southern people who have as deep an interest in the sectional question alluded to as any other portion of the Union—a people who well understand their political rights; a people who will never demand more, or be satisfied with less, than their equal and just rights. My life, my interest, my every feeling, are strictly identified with the people whom I represent. My obligations to watch over, protect and defend that portion of their interest confided to my care on this floor can never be forgotten or neglected by me for a single moment. No, sir; my obligations to the people of Georgia are engraven on my heart, and are peculiarly strong. But still, sir, I am not to be alarmed, or frightened from the pathway of duty, by an illtimed cry of Southern rights, when there is no just ground for such an alarm, and when that sectional interest is unnecessarily

introduced in a way calculated to defeat a favorite national measure which I have for many years past labored to sustain and consummate to maturity. The bill on your table, for the organization of an Indian territorial government in the West, in its first section, defines the territory designed to become the scene of Indian reform and civilization. This territory embraces a country of about six hundred miles by two hundred, and may be stated to contain a surface of 76,800,000 acres of land. The population settled, and intended to be settled, on this surface is estimated at 133,883, of which number about 76,000 are already located in the country. The territory embraced in the bill are directly west and northwest of the States of Arkansas and Missouri, and from north to south extends over eight or ten degrees of latitude, the highest northern point being 43 degrees, North.

This, sir, is an accurate description of the geographical position of the country embraced in the bill, according to the map which I now hold in my hand, and which is thought to be a very near approach to accuracy.

Thus, it will be seen, upon the evidence here presented, that more than two-thirds of the territory designated in this bill is north of latitude $36^{\circ} 30'$, the compromise line agreed upon at the agitation and discussion which took place in Congress upon the question of the admission of the State of Missouri into the Union. It is true that I never did, nor never shall, approve of that compromise; but so it is, and it seems to be a settled compromise, and I will not now disturb its repose. I am averse at this time, and upon this question, to disturbing and agitating that question.

The South has no just cause of complaint in regard to the location of these Indians from which she will be finally and forever relieved under the provisions of this bill. The Indians have emigrated and will emigrate from all the Southern States; will be located something north of their former places of abode; and, from the provisions of this bill, it is not proposed to locate a solitary tribe of the Indians from any one of the North and Northwestern States south of $36^{\circ} 30'$.

And what is the proposition of my honorable friend from Alabama (Mr. King)? Why, sir, he proposes to add to the territory designated in the bill all the Northwestern domain of the United States to which the Indian title has not heretofore been extinguished and which is not embraced in any of the present States and Territories of the United States—

a country undefined in extent, and thought by many well informed gentlemen on the subject to embrace a country containing a larger surface than one-half of the organized States of the Union.

Sir, my high respect for the intelligence and entire confidence in the purity of the motives of the mover of this amendment (Mr. King) would leave me in surprise, but for the assurance which I feel that the error into which my friend had fallen on this subject is chargeable alone to his not having duly examined and considered the measure now under consideration.

Who can seriously expect to succeed in the organization of a Territorial Government for the emigrating and half-civilized Indians where the territory embraced in the proposed government spreads over a country so vast in extent, and the greater portion of it populated by savage and wild men who have had little or no intercourse with civilized men? Moreover, sir, the Indians who inhabit the country proposed to be added by this amendment are wholly incapable and unprepared to avail themselves of the benefits extended to the more enlightened tribes by the provisions of this bill. It would be casting pearls before swine. The adoption of the proposed amendment cannot fail to destroy every reasonable prospect of accomplishing the beneficent and kind objects designed by its friends for the benefit of those tribes which have been removed from the several States and located in the West. It would, under the bill, be an inefficient and useless measure, and change the entire prospect of benefiting those upon whom it is designed to operate.

I regret to find the honorable Senator from South Carolina (Mr. Calhoun) withholding his support from this important measure, and advocating the proposed amendment offered by the Senator from Alabama. I feel assured if the Senator from South Carolina had brought his gigantic mind to bear upon this deeply interesting subject, he would feel prepared to give it his support. I am justified in this conclusion from the fact that the very plan, in all its most important bearings, embraced in this bill, was, in the year 1825, the favorite policy of that honorable Senator. He, at that time, as Secretary of War, made an able and lucid report on this subject, which may be seen in the volume of State Papers now before me, and which, substantially, to my mind, recommends any important feature contained in this bill, as reported by the Committee on Indian Affairs. The

very tribes embraced in the bill, as well as the territory, together with an entire change of Indian policy approaching the provisions of this bill, are recommended in the report of the honorable Senator to which I refer.

And yet, he now desires more time to reflect and make up his mind on this very important measure, and seems not to be familiar with the provisions of the bill, or the policy of the measure.

A slight examination of this bill must at once remove most of the objections suggested by the Senator from South Carolina.

The bill forces nothing upon the Indian tribes who are intended to be benefited by its provisions. Each tribe will still be free to make its own laws and regulations for the government of its own people within its respective limits. The Confederacy proposed to the different tribes may be entered into, or not, at their own discretion.

It is true that most of the tribes who have emigrated to the West have been consulted on the subject of this contemplated organization and form of government which is the subject of our present consideration, and have expressed their opinions in favor of the measure. It is also true that several of the most enlightened and largest tribes have not yet expressed a formal opinion on the subject, and it is known that many of their leading men have expressed an opinion adverse to the measure. It is, therefore, a subject still open for investigation and consideration, and I indulge the belief that full investigation will not fail to counteract the opinions of the few selfish leaders among the Indian tribes who have been disposed to create opposition to the policy of the Government in regard to this matter.

I regret that this bill has not received a greater share of the attention of honorable Senators who have manifested opposition to the measure. In the opening discussion it was ably supported by the Senator from Indiana (Mr. Tipton), in a speech chiefly composed of facts and figures. In that speech, most of the material historical facts necessary to the support of this measure, together with a considerable collection of statistical information, was laid before the Senate in a condensed form, which placed within the reach of any Senator the means of correct information, without the toil and research which it must have cost the Senator who had the honor to submit it for the use and information of others. This bill advances one step towards the consummation of a most important object which has long engrossed

the minds and exertions of some few individuals scattered through a long course of years, whose knowledge of the true character and condition of the aboriginal race awakened their sympathy to a sense of the necessity of some vigorous effort to arrest the extermination and total extinction of these sons of the forest.

In a retrospect of the past, we may, with hearts overflowing with gratitude to a kind and beneficent Providence, congratulate ourselves at the unparalleled advancement and prosperity of our beloved country, since the first settlement of our European fathers on this continent. Our onward progress as a people is truly amazing—it is justly the admiration of the whole civilized world! Our good form of government, our arts, our science, our cities, our towns, our agriculture, our commerce, our manufactures, our internal improvements, all, all these, have sprung up out of the wilderness in a few hundred years. In vain we search the annals of the world for progress like our own. And still our course is onward and onward—to the summit of our destiny.

And, sir, we have wrested this delightful and magnificent land from the hands of its native lords; and whether it has been effected by force, or fraud, the obligation which now devolves on us to rescue and save from oblivion the remnants of the aboriginal race is not changed or altered. We should make an honest, sincere effort.

The allusion made by Senators to my long and untiring efforts in support of the policy which is now the subject of consideration, and attributing to me the parentage of this offspring—I should, if supported by the history of the past—I should consider a compliment worth all the toil of my humble life. But, sir, I have no pretensions to the honor of having originated this measure. Gen. Washington was the first public man from whom I recollect to have seen evidence to satisfy my mind that he looked forward to the plan which I now have so much solicitude to see consummated. Mr. Jefferson, Mr. Madison, Mr. Monroe, Mr. Calhoun, and Mr. Adams, with many other enlightened statesmen, had given official evidence of their approbation of the policy now under consideration, before I had the honor of a position which authorized me to move in this matter.

But, sir, it is a subject of the highest gratification to me to have been the first member of either house of Congress to make a distinct and systematic move in this matter, and that gratification is greatly increased by the

share of success (although short of my desire) which has attended my persevering efforts. My first year's labor, in the other branch of Congress, in 1827, resulted in getting an appropriation of \$15,000 to defray the expense of an exploring expedition to the West by competent agents of the Government, accompanied by delegations of several tribes of the Indians then residing in the States. That duty was performed to the satisfaction of the Government, and the report made by these exploring agents tended to remove the idle impression that a suitable country could not be obtained for the emigration of the Indians. They not only found a country, but a most delightful one—one among the garden spots of America, a country possessing all the natural advantages to make a people prosperous and happy. If is true, sir, I did not stop here; that was only my first step, and my march has been onward ever since.

I have been inclined, and have done all that I could, to produce a radical change in our Indian policy. I have long since been disgusted, and with shame and confusion of face looked at the policy pursued by this Government towards the Indians. Look at your large volume of Indian Treaties! What do you there see? One recorded farce after another, couched in language of high official and formal mockery! One continued tissue of deception and deceit! I rejoice, sir, that I never aided in negotiating, or writing, one Indian treaty, although I have been mainly instrumental in bringing about more than one treaty, because the Government would not work in any other harness! And now, while I am here, urging the due execution of an Indian treaty, at this session of Congress, I only do so because this Government will not comply with its obligations to the State which I represent through any other channel. My opinion has been, for the last twelve years, that we should never make another of these farcical treaties with a poor, subjugated tribe of Indians.

As a substitute for this pretense of making treaties with the poor remnant of these subjugated Indians, my plan is and has been for many years past, that the States and Federal Government should legislate directly for the Indians under their respective jurisdictions, in the same manner that we legislate for minors and orphans, and other persons who are incompetent to take charge of their own rights. And, as far as I have been concerned, I have acted upon the principle here laid down in my own State, and have more than once urged it upon this Government to pursue

the same course. But, sir, in my legislation for a dependent and needy people—a people incapable of maintaining their own rights—my liberality, my care for their true benefit, my magnanimity, shall be surpassed by no Senator in this hall. If in any of these instruments called treaties injustice may appear to have been done to any, let us speedily repair the wrong. I would gladly restore them fourfold for all the wrongs which have been brought upon them by civilized society.

Although the policy of the Government toward the Indians is, in many respects, marked by too little regard for the interest of the Indians, yet a critical examination into the history and settlement, as well as policy, of all the American colonies, in many cases, may plead justification.

In the first instance, a plea may be founded on the weakness of the colonies and the then strength of the natives which put into requisition that first law of Nature, self-preservation. This weakness on the part of the first European settlers introduced this treaty-making policy which I now so earnestly condemn. The conciliatory policy, in the absence of power, was resorted to by the colonies.

Nor do I condemn, or regret, the success of our race on this continent. No, sir. I have none of that spirit of fanaticism, or sickly sympathy for these interesting people that induces me to regret that they have been supplanted by a superior race—by husbandmen for whom the God of Nature designed the more appropriate use of the earth. I cannot desire that this flourishing land of light and liberty—

“The home of the free, and the land of the brave,”

with all of its variegated and beautiful improvements, should be retroceded to the control of uncivilized man, and again become a wild wilderness and dense forest, for the wild man to roam and hunt in, from place to place.

Thus, sir, while I see much to regret and condemn in the past policy of Europeans toward the native race, I feel it my duty to say that it requires examination, reflection and much consideration, in order to form a correct judgment on the past.

Up to the present period of our history as a people, I think it must be admitted that our intercourse regulations over the Indians have been most prejudicial to their best interest. If they had been left to a state of nature, they would probably have been in a much better condition, as a whole, than they are at this time.

It does appear to me that the policy of this Government has rather had a tendency to encourage than to restrain the barbarous habits of these people. At any rate, we have progressed in a policy that to my mind has become insupportable. Until the emigrating and colonizing policy was commenced by the Government, no general effort had been made to benefit the Indians of our country, and the disabilities under which they now labor are of a most perplexing character, under which they are perishing, and cannot long survive. Unless we speedily change our policy, the day is not far distant when there will not be a solitary one left to tell the sad story of his progenitors. But should success speedily crown the plan for which I have so long labored and toiled, in the face of a most powerful and talented opposition, my hopes will then be revived for the salvation of a remnant of this peculiar race of people—a people for whose real and permanent welfare I feel all the solicitude of which I am capable of feeling for any portion of the human family.

Most of those who, from religious motives, made efforts to benefit the Indians and better their condition, have become fully convinced that without colonization and civil government, without laws, most of these people will perish. These conclusions have been confirmed by two hundred years' experience in the Eastern States of this Union.

The hopeful beginnings of Eliot, Brainerd and others, soon disappeared. Their converts, I hope, got to a better world than this; but what was the condition of their congregations very soon after their decease? Why, most wretched, depraved and perishing.

Missionaries have continued to labor for the New England and New York Indians ever since; but, notwithstanding all these efforts, those tribes have been constantly sinking deeper and deeper in degeneracy and wretchedness, and perishing away into insignificance and nothing. I entertain no doubt but the efforts of these good missionaries have benefited a few individuals; but, take them as a whole people, and their condition has constantly been becoming more and more deplorable. The better prospects and condition of the Southern tribes, and particularly the Cherokees, cannot be justly attributed to missionary operations or labor. No, sir; the glory belongs to Him who overrules evil, and brings good out of the evil.

During the Revolutionary War, and at its close, there were Tories who fled from the just indignation of their countrymen, to escape the punishment due to their crimes.

and joined the Cherokee Indians and fought by their sides, amalgamated with them, took their daughters for wives, and took up their permanent residence amongst them. (One of these was a Scotchman, by the name of Daniel Ross, and the father of the celebrated John Ross.) Some of these men had property, education and intelligence, and soon acquired great influence amongst the Indians, and in many cases were careful to educate their children from their Indian wives. These men and their descendants taught the Southern Indians many of the arts of husbandry and industry, and imparted to them their first ideas of a system of government and laws which would secure individual rights and property. Thus they acquired a knowledge of the first principles of human prosperity; and civil order and law being thus introduced, they, by slow degrees, continued to improve. The circumstances, too, of their having for a long time a very large territory unintruded upon by the whites was favorable to their imbibing lofty feelings of character and independence which is indispensable to the political advancement of any people. These improvements, thus made in the condition of the Southern Indians, greatly facilitated the operations of the missionaries who settled in their country at a subsequent period. These missionaries were not placed among a people altogether savage, but always took their abodes in neighborhoods far advanced in civilization.

Many of the Indians and Indian countrymen had good houses and farms and large herds of cattle, sheep and hogs, besides household furniture, implements of husbandry, besides a number of negro slaves. The missionaries, in settling among such a people as I have described, found a state of society not widely differing from that which, in former days, might often be found in countries now settled by civilized men. Some of the missionaries who settled among the Cherokees were good people, and were very useful to the natives; but, at the same time, most of them advanced their own circumstances and comfort, and improved their own conditions from what they had been accustomed to full as much as they improved the churches.

These missionary efforts in the Cherokee country have been greatly exaggerated, and gone forth to the world in religious magazines and various other forms, and will most likely be handed down to posterity, and pervert the truth on the historic page when the present generation shall have passed away. Be assured, sir, that the greatly improved condition of the Cherokee people cannot be primarily

attributed to missionary labor, but to the establishment of law and civil order, produced by means to which I have already adverted. Had the Cherokee people been in a location where they could have remained undisturbed, they might, and no doubt would, have prospered and done well. But this was not the case. The Southern States, as their white population increased—but following the example of the Eastern and Northern States, and by the exercise of their constitutional and inherent rights—found it expedient and proper to take such steps as should change their Indian population for that of the white, which they considered superior. Moreover, they deemed it expedient to exercise a right, common to all the States, and which the older States had done before them, to take entire control and government of their Indian population into their own hands. Such a course was in accordance with the common cause and policy of all the States of the Confederacy from the time of the first European settlement on this continent up to the present period. It was most unreasonable to expect that an exception with a few of the Southern States should occur to that which had been the invariable practice everywhere else in America for upwards of three hundred years. For many years, I plainly foresaw that the Southern tribes, as they became crowded by a white population, must, of necessity, change their residence, as most of the Northern tribes had done, or, like those who still remain, become subject to a state of things which would inevitably cause them to dwindle, perish and pass away from the face of the earth.

In view of this state of things, I have been forced to the conclusion that the plan which I now advocate merits the support and approbation of the wise and the good from every section of our Union. It appears to me to be a measure so vastly important to a very peculiar and interesting portion of the human family—a people, too, to whom we are under the strongest of all human obligations—that every honorable Senator on this floor should for once forget all party names and distinctions, disregard sectional or party interest, and each one strive to do most to preserve and save these people who have so many strong claims on our friendship and favorable consideration. I have often been surprised at the unbelief of many intelligent and well informed persons in regard to the practicability of the civilization and improvement of the Indian race of this country. Give them the same opportunity, and they will improve just like other people. Let us henceforth consider them

as human beings, of like passions and propensities with ourselves, and in thus considering them, I know, from my own knowledge and observation, we shall only do them justice. Give them liberty and law, and at no distant day they will exhibit a community which will do honor to the legislation which we now urge for their benefit and advancement in civilization.

They are not only endowed with all the necessary faculties for mental cultivation and improvement, but whenever the proper opportunity of proper training and instruction has been extended to them they have as rarely failed to make good use of these opportunities as other people and other nations. I will not dwell upon the many cases which might be individually referred to, for the purpose of establishing the fact of the natural capacity of this race of people being as well adapted to acquire all the blessings of a civilized state as that of the people of other nations, because the reflection and knowledge of my fellow Senator here must bear testimony to the correctness of my statements in this House.

Let us give these people a fair trial, as provided for in the bill now under consideration. Let us take the first step towards elevating them as human beings. This bill violates no existing law or treaty; but goes far to carry out and fulfill many of the obligations of this Government, as contained in its treaty stipulations with these poor, dependent, subdued remnants of the aboriginal race.

This bill places these harassed people beyond the reach of State interference, and the right of soil should be as securely guaranteed to these people, to them and their posterity, forever, as it is to the people of any State in this Union.

The institutions of these people should, as far as practicable, be assimilated to our own, in every respect. Let us bind them to our great confederacy of States by the ties of union and family fraternity. Let us ever look to the day when they may become a bright star in the American confederation of States.

Let these people receive from our hands all the liberality and encouragement which will promote their true interest. Let us prudently aid them in the formation of suitable and good laws for their government. Let us watch over and guard them from indiscreet legislation in the first stages of their new government. The course suggested is the proper one to obliterate the remembrance of past injuries; and new

pursuits, and new prospects, of a cheering and encouraging nature, will help to turn their minds from the painful recollections of the past, and cause them to look forward to the prize set before them with that hope which gives joy and peace. Increasing comfort, progressive improvement, prospective preferment and distinction, will nourish a laudable enterprise and ambition in this interesting race of long neglected people.

Such a course as the one suggested would, I trust, extinguish every unkind feeling which any of them may have carried with them to their new Western homes. Let us endeavor to obliterate from their memories all past strifes and animosities. I was desirous myself that these people should have been allowed, at once, a delegate of their own choosing on the floor of Congress—one of their own people. I know that they have competent men for such high trust—native Indians, who could not fail to be respected on the floor of Congress for their intelligence and genteel deportment. From such a policy they could not fail to feel that their relations to us were not only amity and peace, but they would soon learn to feel a family and kindred interest in the welfare and prosperity of the nation and government of which they formed a part. Then, sir, we should no longer need a military force to preserve peace and good order amongst this portion of the American race, whose common origin from the same great Father with ourselves entitles them to our tender care and kind consideration. Wretched, indeed, will always be the state and condition of any people who must be kept in subordination by a military force.

Instead of further delay and consideration on this subject, as has been recommended by the honorable Senator from South Carolina (Mr. Calhoun), to my mind now is the auspicious moment for the Government to move forward and make a vigorous effort and do something for the permanent interest and benefit of these people, by at least extending to them the advantages contemplated by this bill. Now is the accepted time for action. The Indians stand at your door and knock. Now is the most favorable time to make the best possible impression on the minds of these people. If we do not proceed now, a retrograde movement may be apprehended. Many intelligent men among these Indian tribes have long been looking forward to the state of things which this bill proposes. Let us not disappoint their long delayed hopes. Justice calls for this last effort to serve

these people. Humanity requires it; conscience demands it; posterity will admire it, and Heaven will award its blessing to those who shall be instrumental in consummating this beneficent plan to redeem from ruin an interesting—but helpless, without our aid—portion of our fellow men.

After some further remarks from Messrs. Calhoun, Lumpkin and White, of Indiana, the bill was ordered to be engrossed for a third reading. Yeas, 38; nays, 6.

IN THE SENATE, TUESDAY, MAY 15th, 1838.

THE CHEROKEE TREATY.

Mr. Davis, of Massachusetts, presented several memorials in relation to the Cherokee Treaty, praying for its revision and repeal. Laid on the table.

Mr. McKean, of Pennsylvania, presented several memorials on the same subject, which were disposed of in the same manner,

When Mr. Lumpkin, of Georgia, arose and addressed the Senate as follows:

Mr. President: I hold in my hand a letter addressed to me by Mr. John Ridge, a Cherokee man, of the country, West. This letter contains much interesting and detailed information in regard to the present state and condition of the Cherokee people, and affords a fair view of the prospects which await these people, if they could be permitted to enter into the advantages secured to them by the Treaty of 1835. It is my wish, sir, to read this letter for the information of the Senate and of the country. I will add that I have numerous letters from other intelligent Cherokees who have emigrated to the West, which go fully to sustain all the views and statements of Mr. Ridge. The propriety of introducing and reading this letter I trust will not be controverted, when we take into consideration the actual state of our Cherokee affairs at present.

It is known that the Government of the United States, in December, 1835, entered into an arrangement, or treaty, with a numerous and intelligent delegation of the Cherokee people, under which arrangement it was stipulated and agreed that the whole people should emigrate from the East to the West, under the care and supervision of the Govern-

ment of the United States, on or before the 23rd of the present month, May, 1838, and several thousand of them, including the most intelligent, have already emigrated and taken up their abodes in their new country, where they are quiet, happy and contented, and are anxious to see the balance of their tribe join them in the West, and participate in their rich inheritance. Among these emigrants are Mr. Ridge, the writer of the letter to which I have referred, who is a man of strong native mind, improved by education and cultivation. He is a man of great integrity of character, whose lofty spirit became restless under the conflicts and controversies of his people with the Government of the State of Georgia and other States, which terminated in the annihilation of the Cherokee Government.

Under these circumstances, Mr. Ridge and his friends yielded to the force of circumstances, choosing to abandon their country rather than be deprived of their native rights, which they had long been accustomed to exercise—self-government. Therefore, Mr. Ridge became the open advocate of emigration as the best hope of securing to his people the boon of liberty and independent self-government. And now, with an intelligent and prudent forecast, he looks to a more honored and endeared relation to the Government of the United States as the only rational hope of perpetuating the existence of his native American race. But, sir, by the indulgence of the Senate I will read the letter of Mr. Ridge referred to, and to sustain the truths of which I have the most ample corroborating testimony in my possession.

Leave being granted, Mr. Lumpkin read as follows:

South Lee, Berkshire County, Mass.,

May 7th, 1838

My Dear Friend:—

While I was in New York, I received your kind letter of the 25th ult., in answer to mine, for which I am greatly indebted to you. It was my desire to have visited Washington, in order to have had the pleasure of a personal interview with you, and also to have seen the result of the great Indian bill, now in a course of discussion in the Senate. But the period I have set apart to return to my country is the first of June, and I have but a short time to spend amongst my wife's relations. I did not write as fully as the interesting subject of Cherokee removal and the nature of

the country demanded, as I then believed that I should see you.

Now, you will allow me to relate my opinion of our country in the West, and the situation of our people. The Treaty is so liberal in its provisions for the comfortable removal of the Cherokees that I have heard no complaint on that head, but the highest satisfaction. Those who went by water, in steamboats, in the spring of the year, passed with so much dispatch that most of them planted corn and raised considerable crops. You know that good and exemplary Christian, Mr. Charles Moore. He said that he planted in the month of June and raised a greater crop of beans, pumpkins and corn than he ever did in Georgia, under the most favorable circumstances. He said that the land in the West was so rich that he could compare it to nothing else but a fattened hog, which was so fat that he could not get up. I have traveled extensively in that country—once, from my residence, near the corner of Missouri and Arkansas, to Fort Smith, through Flint District, where I had the pleasure of beholding fine springs of water, excellent farms and comfortable houses, and mills, and mission schools, belonging to the Cherokees; and every evidence of prosperity and happiness was to be seen among the Cherokees as a people. I saw a number who had previously arrived, and had arrived since I had, and I heard but one sentiment—that they were happy and contented in their new country. Indeed, the soil is exceedingly rich and well timbered, and the navigation of the Arkansas River affords them superior commercial advantages to what they enjoyed in the East. I joked with the people, and asked them if they wished to return to Georgia, even if they could be re-established in their ancient rights and locations in that country. They invariably said, "No; by no means. Nothing would induce them to return." But they sincerely wished that the eyes of their countrymen might be opened, and break from the delusions of John Ross and his political tools and escape to this good land. I think in this direction I traveled over eighty-eight miles, in a straight direction. After this, I visited the newly acquired land, called Neutral Ground, which was added to our country, west, by the Treaty of New Echota. I rode over it, about two days, and I there found Mr. Joseph Rogers, our Cherokee friend, from the Chattahoochee, pleasantly situated in the finest region of country, I ever beheld in any part of the United States.

The streams here of all sizes, from the rivers to the

brooks, run swiftly over clean stones and pebbles, and the water is clear as crystal, in which excellent fish abound in vast numbers. The soil is diversified from the best prairie lands to the best bottom lands, in vast tracts. Never did I see a better location for settlements and better springs in the world. God has thrown His favors here with a broad cast. In this region are numerous mills, and it is of itself capable of supporting a larger population than the whole Cherokee Nation, East. On my return, I traveled toward Fort Gibson, seventy-five miles in another direction, and I found the richness of the soil and natural advantages far superior to any country which I had seen in all my travel. In this trip I visited Park Hill Mission, where the Rev. Mr. Worcester and Mr. Boudinot are located, and are engaged in the translation and publication of useful religious books in the Cherokee language, and also Choctaw books, prepared by the Choctaw missionaries.

But what pleased me more, and was a new thing here in this country, those gentlemen had published a Christian almanac, in Cherokee and English, calculated for the meridian of Fort Gibson. I found this extensively in circulation amongst the Cherokees, and, in fact, I was pleased to find that religious tracts, in the Indian language, were on the shelves of full-blooded Cherokees, and every one knew and seemed to love the messenger, as they call Mr. Worcester. I very often met with new emigrants from the Eastern Nation, either arriving or settling the country, or on their way to Fort Gibson, to draw the balance of their dues for their lands and improvements. These newcomers were formerly of opposite portion in the old nation. There was no disposition to quarrel, but every disposition manifested to cultivate friendship and rejoice together in the possession of this fine country.

I had the pleasure of being introduced to Gen. Arbuckle, commanding at Fort Gibson, and I found him to be an excellent man, of fine personal appearance, and intelligent. He informed me that the country next to the Ossages, on the Verdigris, was the best in the country, and was yet unsettled; so you perceive that I am greatly pleased with our new country. Most all the intelligent men of our nation, our Supreme Judges, and Sheriffs, and Marshals, our Legislators, and our National Treasurer, are, you are aware, already removed, and are engaged in building of houses, and the opening of farms. Many of the Cherokees have turned their attention to merchandising, and some have supplied

themselves with goods from New Orleans and New York, besides other places more convenient to the nation.

Many of the Christian Cherokees are engaged in the organization of schools and temperance societies, and there is no danger, as some supposed, that the Cherokees would retrograde and turn to the chase, instead of the pursuits of civilization. And I have the pleasure also of informing you that the utmost friendship and tranquillity prevails between the Indians and the citizens of the United States, not only those who live at the military stations, but those of your citizens who reside in Missouri and Arkansas, near the Cherokee Nation.

In the best state of friendship they visit and trade together, on both sides of the line, to their mutual advantage. In addition to this, we have excellent saline springs, where salt is made by the Cherokees. I was told that Judge Martin was about to commence work at one of these salines. In regard to the health of the country I find it good, on the small waters, and it is only on the larger water courses that the fever and ague prevails among new settlers. But it is somewhat singular that whenever a Cherokee arrives in the country, wherever that may be, he cannot be induced to change his location for a better. He will either say there is no better, or that it is as good as he wants it to be.

If the people of the United States could only see our condition in the West, they would no longer assist John Ross to delude the poor, ignorant portion of our people to remain in the East, where he can speculate on their miseries.

The Cherokee Government in the West is very much like it was in the old nation, before it was suppressed by the States.

They have an Executive, Legislature and Judiciary, and trial by jury.

I feel happy to ascertain that a majority of the Senate of the United States entertain such magnanimous views towards the well being of the Indians in future, removed as they are from the State jurisdiction and conflict. With the rich advantages of the Christian religion and cultivation, the Choctaws, Cherokees, Chickasaws, Creeks and other nations are destined to become a great and mighty people in the great West. I am truly pleased to find that our neighbor, Senator Sevier, stands by your side in the great undertaking. That was a happy thought of his in calling the Indian Territory "*Neosho*." It means, in the Ossage language, the "*Clear Waters*."

I should be glad to receive the documents connected with that bill, and all the important speeches on the subject.

While I was in New York, I found that the religious community were entirely bewildered by John Ross, and in the party slang of their papers. Instead of receiving the late Treaty as a blessing to the Cherokees, and as a measure of relief to them, they considered it the source of all their afflictions. I attempted to explain John Ross's position in the papers; and many of them are now convinced that the Treaty and its friends are in the right; but a great many are still bewildered. They believe that John Ross is the nation, and, could be succeed in breaking the Treaty, that the whole of the Southern States would retire from their jurisdictional charters.

I sometimes feel afraid that all is not right in these editors of newspapers. It would seem that they would be willing to have the Indians resist and shed blood, and produce a Florida scene, in order to render their Government odious.

They seem pleased to have money expended to suppress Indian hostilities, and then blame the Government for the expenses. They well know that the Indians cannot exist in the States; and all they can possibly accomplish by their memorials is to assist John Ross to effect a Treaty, the character of which is buried in his breast.

They all know that in the East the Cherokees have no government, and have had no elections for nine years past; and yet John Ross is, in their estimation, a constitutional chief over all the Cherokees, and if the President refuses to recognize this preposterous claim, and determines to see that all the Cherokees shall share alike from the avails of their land, then they proclaim him a monster, and John Ross the Cherokee Christian.

I shall remain here to the first of June, and I shall be obliged to you for another letter before I leave for the West.

I am your friend,

JOHN RIDGE.

Gov. Wilson Lumpkin.

Mr. Lumpkin then continued: Thus, Mr. President, you have the views of a man than whom none is better qualified to judge, or more entitled to full credit. Now, sir, what a contrast does this letter of facts present, when compared with the idle, silly, and false sympathy set forth in the

memorials and petitions with which we are daily inundated—coming from a distant people who are obviously ignorant of the merits of the subject with which they are so impertinently intermeddling. Yes, sir, these memorialists are made to complain upon a subject upon which, from the nature of things, they care but very little.

Sir, these good, religious memorialists are brought in as auxiliaries to a political cause, the obvious object of which is to bring odium and censure on the administration of your Government. I aspire not to the honor of those who are the organs of such petitioners. Sir, I am the friend of liberty and individual rights. To petition, speak, write, and publish is guaranteed to the American citizen by the Constitution of our country. I would not abridge one of those rights. But I am the avowed opponent of the impertinent intermeddling of the people of one section of our country with the local concerns of another and far distant section.

And, sir, when, in the secret recesses of my closet I sometimes tremble for the ultimate destiny of my beloved country, when I trace the progress and movements of these "busy-bodies."

We are justly and properly considered a Christian nation of people. Our Federal and State Constitutions all recognize the Bible as a book of Divine origin and revelation, and none, I trust, has a higher regard for that standard of religion than myself. But in the formation of our Constitutions great care was taken not to blend Church and State; a religious party in politics, such as these petitioners on Cherokee affairs, was never contemplated by the framers of our Constitution. But, with all our guarantees to secure liberty of conscience, what is the present state of facts in the present case?

Look at the journals and proceedings of both houses of Congress during the present session of Congress! All other business dwindles into mere *items* when compared with the mass of matter forced on the attention of Congress by a concert of professed Christian spirits who are continuously encouraged and sustained by highly talented gentlemen who stand opposed to the present administration of the Federal Government. And these pious people take the liberty, "in season and out of season," in dealing out denunciations and condemnation to the government of this country. And yet, when conclusive evidence is introduced to expose their errors, the Senator from Massa-

chusetts (Mr. Davis) complains of the want of respect to these petitioners. The letter from Mr. Ridge, which I have just read, has nothing in it unkind or uncourteous to these people, unless the exposure of their errors and ignorance on the Indian subject may be so considered. Compare the severity and sentiments contained in these memorials levelled against the Government to help out a political party with the letter of Mr. Ridge, and I may confidently appeal to any enlightened tribunal for an award in favor of Mr. Ridge, when compared with this Northern Christian party in politics.

Mr. Ridge's letter not only gives him much the strongest claims to a Christian spirit of moderation, but demonstrates his thorough knowledge of the subject on which he writes.

But the gentleman from Massachusetts undertakes to justify his complaining constituents and memorialists upon the ground that their complaints are confined to the question of the validity of the Treaty. Moreover, the Senator informs us that he has never considered the Treaty a valid one, and that it was made by a small number of unauthorized Indians, and that fifteen or sixteen thousand of the Cherokees have remonstrated against the Treaty during the present session of Congress. Upon this subject, allow me to give the Senator and the Senatè correct information. I wish the whole truth on this subject to be known to the country. The numerical majority of the whole Cherokee people has, for many years past, been under the influence of Mr. John Ross and his stipendiaries, and I, therefore, have no doubt that a majority of the Cherokees would have joined Ross in his dissent to the Treaty.

But it is equally true that a large majority of the Cherokees, who possessed sufficient intelligence to comprehend the subject, were decidedly in favor of the Treaty, and are now happy and contented in the enjoyment of the benefits and advantages secured to them and their people under the provisions of the Treaty.

My opinions in regard to Indian treaties are known to this Senate.

But I would ask, when was the validity of an Indian treaty, before this, tested as to its validity, by being submitted to the whole mass of our Indian people—men, women and children? A new test is introduced to decide on the validity of this Indian Treaty. The gentleman's extraordinary love of Democracy and Democratic principles I suppose causes

him to decide that this Treaty shall be tested upon the broadest basis of pure Democracy.

It ought to be sufficient to satisfy the wise and the good anywhere that this Treaty was negotiated on behalf of the Cherokees by the most enlightened and patriotic Indian men who ever negotiated a treaty, and that it secures to the whole people more signal advantages than were ever before secured to an Indian people by treaty entered into with this Government.

This Treaty dispenses equal justice to the rich and the poor, without the slightest partiality to a single individual. One word, sir, upon the subject of the remonstrance of the fifteen thousand Cherokees against the execution of the Treaty. Including every Indian soul now in the Cherokee Country, East, their number cannot amount to fifteen thousand. Including the whole (men, women, and children, with the infants at the breast), and they do not amount to so large a number. Here, then, Mr. President, we have a forcible illustration of the impositions practiced on honorable Senators who become the popular organs of the fashionable petitioners and memorialists of the present day.

Sir, the facts which I state are susceptible to proof before any tribunal whatever. I, therefore, hope we shall hear no more about the fifteen thousand Cherokee complainants.

But, sir, I could bear with patience and composure all this delusion and ignorance, and impertinent intermeddling, but for the apprehended mischiefs and evils which the opponents of the Government are likely to bring upon the poor Cherokees themselves, and for whom they profess to feel such strong sympathy.

The opponents of the Government and their pious, petitioning, praying friends, will not let the Indians go. Every expedient has been resorted to for the purpose of keeping these people back from entering into their promised and goodly inheritance. I fear nothing will satisfy the tender mercies of those who are intermeddling with this subject but another *Indian War*. It requires an extraordinary share of philosophy to exercise composure under such repeated provocations as are directly addressed to the Southern people, from day to day, in this chamber, under the humble garb of petition.

But, sir, I will not indulge in further remarks on this subject at present, for I cannot do so without feelings which I do not wish to cherish.

IN SENATE, TUESDAY, MAY 22nd, 1838.

A message from the President of the United States, accompanied by various documents on the subject of the removal of the Cherokee Indians under the Treaty of 1835, and recommending a liberal course in affecting the same, was read, and which produced considerable discussion. The following are the few remarks submitted by Mr. Lumpkin on the above day. His general remarks on the subject were on a subsequent day, and will be given hereafter:

Mr. Lumpkin said he occupied rather peculiar ground on this subject to that of other Senators whose general views coincided with his own. From time to time, he had been consulted and conferred with on this subject by the President of the United States and Secretary of War.

He had communicated with the present and late President of the United States on this subject at every stage of its progress. He had never entertained but one opinion on the point of the present discussion, and that was to execute the Treaty, with fidelity and promptness, and yet in a spirit of liberality and kindness to the Indians. Mr. Lumpkin said he was aware that many of the Indians (the Ross party) were opposed to the Treaty. The President was disposed to treat them with all possible kindness and humanity. The Executive wished something done to sooth their present excited feelings. Mr. Lumpkin had always said to the Indians, in a spirit of the greatest candor, "*This Treaty must be executed.*" He had always thought the imperative tone preferable to the persuasive in this matter. He understood the power with which we had to contend.

It might be due to the Secretary of War, however, for Mr. Lumpkin to state that he (Mr. Lumpkin) had been consulted in the matter now before the Senate. This document contained the views of the Secretary, and, as construed and explained by him, was not absolutely objected to by Mr. Lumpkin. While the Treaty remained firm and un mutilated, he would go as far as any other Senator in additional liberal acts to the Cherokee people. He made various written communications to the Executive Department on this subject, which he presumed could be found there, and by which it will be seen that my ground has ever been, "Be absolute in executing the Treaty, and then be as liberal and accommodating to the Cherokees as you please."

Mr. Lumpkin said it was with reluctance, but duty compelled him to say that the countenance which Ross and

his party had received from the heads of the Government here had been the sole cause of delay and excitement in the remnant of the Indians. As to any delay in the removal of the Cherokees, none can be tolerated. The decree has gone forth, and go they must.

IN SENATE, JUNE 7th, 1838.

INDIAN HOSTILITIES.

On motion of Mr. Wright, the Senate proceeded to consider the House Bill, making appropriations for the prosecutions and suppression of Indian hostilities for 1838, and for the payment of arrearages in 1837.

On ordering this bill to its third reading, Mr. Webster addressed the Senate, and was answered by Mr. Wright, when Mr. Preston spoke at length, reflecting generally on Indian wars and their causes, and attributed the fault of such wars to the administration. After which, Mr. Lumpkin, of Georgia, addressed the Senate as follows:

Mr. President: I had indulged the hope that the Senate would be permitted to act promptly on this appropriation bill, without bringing into its discussion the exciting topics of the Florida and Cherokee Treaties, as well as the Florida War.

The service of the country and the character of the Government are at this time suffering for the want of the passage of this bill. Debts amounting to hundreds of thousands of dollars are at this moment pressed upon the Treasury of the country, and cannot be discharged till we pass this bill. Citizens of the country who have given full and fair consideration for official and legal drafts on your Treasury, ought not to be delayed in receiving their just dues.

It is, therefore, with extreme reluctance that I feel myself called upon to take some notice of the remarks of the honorable Senator from South Carolina (Mr. Preston). I shall not, however, follow the gentleman in the wide range which he has taken of the Florida campaign, or the merit, or demerit, of the distinguished officers who have had command in Florida. For the present, I leave all these gentlemen's affairs, with my kind regards, to the justice of that public opinion to whom we, as public men, all stand

amenable. There is but one point touching the Florida War to which the gentleman has directed which I feel myself called upon to notice.

The gentleman, with his usual flowing eloquence, has eulogized, in high strains of praise, that fiendish savage, Osceola. When I hear such eulogies pronounced in the Senate, upon such a subject, I can but recollect the treachery of this much indulged Indian Chief. He is apparently forgetful of the many deeds which led to the final catastrophe of this extraordinary man. When I hear Osceola eulogized on the floor of this Senate, I can but recollect the treachery of this much indulged man to his friend and benefactor, Gen. Wiley Thompson, of Georgia, with whom I was long associated in public life, and who was long a highly respected member of the other branch of Congress. Yes, this blood-thirsty man, Osceola, not only murdered Gen. Thompson, but was and has been the principal organ of all the horrors of the Florida War, indiscriminately hurled against every age, sex and condition. Sir, if I fail to express my sympathy in strains of equal eloquence with the Senator from South Carolina for the suffering of the deserving portion of the native race, I will not yield to the gentleman's claims of feelings as refined, enlarged and sympathetic for suffering humanity, even when a savage is the victim of distress. I avow myself, upon all proper occasions, the advocate and defender of the just rights of the native race. But I am far, very far, from being the eulogist, or apologist, of Osceola. I can but hear his name with horror and disgust.

But, sir, my anxiety for the speedy passage of this bill would have induced me to note in silence, after all the remarks of the gentlemen on the Florida part of his speech, if the gentleman had stopped at that point. But, sir, he has approached nearer to my home. He has invaded my own territory; and I feel myself bound to defend my own premises. The gentleman has given a history of his support and defence of the Cherokee Treaty of 1835, and has manifested marked zeal in the defence and welfare of my own beloved State, Georgia, and a portion of its public functionaries. I thank the gentleman for all this voluntary service. It is a free-will offering which I feel assured will be duly appreciated by the friends of the Treaty, and especially by the public functionaries for whom his compliments are intended.

But, sir, we find mingled with all this zeal and support a spirit and bearing in the remarks of the gentleman which,

to my mind, is calculated to do great injustice to the administration which made and sustained this Treaty, as well as the friends of the administration who have borne the heat and burthen of the day in bringing our Indian relations to their present favorable attitude.

The gentleman reminds me of what I have often seen before in the course of a life which is *now* not a short one. That is to see persons vociferous in a cause, after the victory had been achieved by others—and persons, too, who stood aloof from all danger, while the battle raged.

Sir, I will never permit the Senator from South Carolina, uncontested, to step in at this late day and carry off whatever meed of praise may be due to those who have struggled so long and so faithfully to relieve my own beloved State from the incumbrance of an Indian population. Upon this subject, sir, I am perfectly at home. I truly thank the Senator for all his kind feelings and services to my State and her citizens, whether they be private or public men. But all this fresh zeal for my State and her citizens in high places shall not induce me silently to acquiesce in direct or indirect censure, when improperly cast on me or the administration of the Federal Government which I support. My position in relation to this matter shall not be misrepresented, or misunderstood, without receiving merited correction. I am fully apprised of the fact that the late communication of the President of the United States to Congress, upon the subject of Cherokee affairs, together with the letter of the Secretary of War to John Ross, is, at this time, a most fruitful subject for excitement and misrepresentation. I, therefore, deem it my duty to go into a brief history of this transaction, and put the matter right before the public, by a brief statement of the facts connected with the case. These facts cannot be controverted, and will do justice to myself and the administration which I support.

The Cherokee Treaty of 1835, after all that has been said to disparage the Government and Indians who negotiated it, I repeat, as I have often done before, here and elsewhere, is a monument of the magnanimity of the Government, on one side, and a standing record of the capacity, honesty and pure patriotism of the Cherokees who negotiated it, on the other side.

I was invited, at an early day after the ratification of this Treaty, to aid, as one of the Commissioners, in the due execution of this Treaty, and have been familiar with every important transaction connected with the subject ever since, up to the present day. The authorities of the Executive

Government have uniformly, and at all times, expressed an unwavering determination to execute and carry into full effect all the provisions of the Treaty. The public authorities have as uniformly expressed a strong desire to discharge this duty in a spirit of the utmost kindness and liberality to the Cherokee people.

In all this I have concurred and co-operated with the views of the Government.

But it is nevertheless true that from the time I entered upon the duties of Commissioner until I took my seat in this Senate—yes, sir, and since, up to the present day—some difference of opinion between the Federal authorities here and myself have existed upon some important points as to the best mode of accomplishing the object which we all had equally in view. I united in the views of the Government as to using every effort within my official range to reconcile the opposing part of the Cherokees to the Treaty, and have, to a considerable extent, succeeded.

But I have uniformly dissented, as all my official correspondence will show while acting as Commissioner, to that part of the policy of the Government which has permitted Ross and his followers, while constantly protesting against the validity of the Treaty, receiving so much countenance and courtesy from the officers of the Government. I have always entertained the opinion that the best and safest way to have executed the Treaty would have been kindly, but firmly, to have used imperative language to Ross and his adherents. To have said, "The argument is exhausted" in regard to this Treaty. *It must, and shall be, executed!* I believe that no propositions should ever have been entertained for a moment, from Ross to the Government, without being accompanied by a pledge to cease from all opposition to the removal of the Cherokees in terms of the Treaty. But I believe this difference of opinion originated more from differences of position from whence we made our respective observations than from any difference in object. There was perfect unity of desire to carry out and execute the Treaty with the least possible injury to all the parties in interest. From my intimate knowledge of the character and temperament of Ross I had not the least confidence that he would be conciliated by making concessions to him. Grant one demand, and it would only pave the way for another, still more objectionable.

The strong desire of the Government, however, to conciliate Ross and his party has been constantly increasing,

from the communications received from many of the officers and agents of the Government, as well as from the opinions of many highly respectable citizens of several of the States, communicated to the Government here, that the Treaty could never be executed peaceably, without the assent and aid of the opposing party of the Cherokees; therefore, to avoid the evils of an Indian war, which must terminate in the destruction of the Cherokees, as well as some loss of the white inhabitants, the Government has, with a patience unparalleled, kept an open ear to the untiring perseverance of this man Ross.

, On taking my seat in this Senate, I found Ross and his delegation all here, memorializing Congress and making propositions to the Executive branch of the Government. My mode and manner, in meeting this state of things, is known to the Senate and to the country, by my frequent efforts on this floor to put a stop to the assumacy of this man Ross.

In the month of March, I discovered, from information derived from various sources, that the President of the United States was still urged from various sources, and by gentlemen in high official stations, to the policy of conciliating Ross, by increased liberality in money. Amongst the communications of this character I will read an extract from a letter from Gov. Gilmer, of Georgia, to the Secretary of War. This letter is dated March 5th, 1838. The Governor says: "The best informed persons residing among the Cherokees express the opinion that Ross can, if he will, remove his people at once to avoid the great expense to the Government, and to preserve the lives and property of our citizens and the Indians which may be sacrificed if the Treaty is executed by force. The Government can well afford to pay a very liberal price for the voluntary and immediate removal of the Indians. To enable Ross and the Chiefs to effect this object, I believe it to be necessary for them first to return home, see their people, and let them be satisfied that their efforts to change the Treaty have been honest, though unavailing. The Cherokees are so suspicious of their Chiefs that even Ross, as entirely as he has their confidence, might lose all power to serve them, if he attempted to make a contract for their emigration before they were consulted and their approval of the measure obtained.

"If the Government should ascertain upon Ross's return home that he had the power, and was willing to undertake the removal of the people, the terms of contract could be

agreed upon without difficulty or delay. If the pertinacity of Ross should create any difficulty, it might be obviated in his contract by making no reference to the 'Treaty.'

Very many other letters from persons of high respectability and official standing, to the same purport of that of Gov. Gilmer's, may be found on the files of the War Department. Indeed, I have long since anticipated mischief growing out of the execution of this Treaty, unless the influence of Ross was neutralized by force, or purchase. Under this aspect of the subject, and after both branches of Congress had given sufficient evidence of a determination to execute the Treaty, regardless of the remonstrances of Ross and the silly petitions of persons wholly ignorant upon the subject upon which they were petitioning, I came to the conclusion that Ross might possibly be in a situation to yield to the true interest of his people, and let them emigrate to the West in peace.

And hence my reluctant assent was given to the views of Gov. Gilmer, as expressed in the extract from his letter just read. And while I have uniformly protested against any arrangement calculated to retard the removal of the Cherokees in the slightest degree, I have, nevertheless, as uniformly expressed the opinion that the moment when Ross and his party ceased all opposition to the fulfilment of the Treaty, and a disposition clearly manifested to emigrate with all reasonable dispatch, from that moment the Indians would be secured from unreasonable pressure on the part of the people of Georgia.

I repudiate the idea that my constituents would, under such circumstances, act with inhumanity towards the suffering Indians, or refuse to grant every indulgence which the true interest of the Indians and humanity may require. No Senator on this floor has a more intimate knowledge and acquaintance with his constituents than I have with mine. They are generous, just and liberal. This magnanimity can never be appealed to in vain.

But, sir, they can never be forced into base and slavish submission, or withdraw from a doubtful controversy.

But, Mr. President, I now come to the important object which I had in view in desiring to address the Senate at this time. I am fully apprised of the great excitement which has been produced in my own State, and elsewhere, arising out of the propositions of the Secretary of War to John Ross, lately submitted to Congress. I am not only apprised of the excitement, but of the misapprehension which seems to

exist on this subject. I perceive, from the newspapers of Georgia and other States, as well as from the letters which I receive from my constituents, that an impression has been made on the public mind that the Government was desirous, and had unreasonably *proposed*, to delay the emigration of the Cherokees for two years to come. Every one here knows this to be a mere fabrication—it is not a misapprehension arising from ignorance.

The extension of time proposed to the States interested in the removal of the Indians, and that in the most delicate and respectful manner, was never intended to embrace a longer period than that which might be required by a due regard to the common dictates of humanity—it being expressly stated that the Indians should be removed as speedily as was consistent with health and comfort. Moreover, Gen. Scott is instructed to continue the prosecution of the measures which he has adopted for the speedy removal of the Indians; and, whether their removal is to be effected by compulsion or voluntary emigration under their own agents, so to conduct his operations as to place the proprietors of the lands in the possession of their property, with as little delay as possible. These instructions do not warrant even a supposition that the Government consents that Ross and his friends shall remain two years longer in the country.

On the contrary, the orders of the Government are most positive that the Indians are to be removed first from Georgia, and from the others as speedily as practicable. This is the plain meaning of the letter of the Secretary of War to John Ross, as intended, understood, and interpreted by the author himself.

I admit that the propositions made by the Secretary of War to John Ross might have been expressed in a form less liable to misapprehension. But I am utterly at a loss to account for the widespread misapprehension on this subject, unless it be accounted for in the fact that it took its rise in both branches of Congress, and through that channel was quickly spread to the four quarters of the Union. For what purpose this great mistake occurred among men in high places this is not the time nor place to explain. "But that which is done in secret shall yet be made manifest on the housetop."

I know positively that the exposition given by the Secretary of War of his letter to Ross is perfectly consistent with the views which he expressed to me before making his

proposition to Ross. The Secretary had ample reasons to believe that Congress entertained the most liberal feelings to the Cherokees, and would willingly soothe them, as far as could be reasonably done, by additional appropriations of money, to be applied to their comfort in the journey of their removal to the West. He had just cause to believe, and did believe, that the high-minded, generous States of Georgia, Tennessee, Alabama, and North Carolina, would act with becoming forbearance and indulgence towards the poor, deluded Cherokees; and that the people of those States will not fail to do the present administration justice on this subject, when the excitement and misapprehension of the present hour shall have passed away, cannot be apprehended by any reasonable man.

The position of the Federal Government in relation to Indian affairs had for many years past been most peculiar and embarrassing. The administration had not only to encounter the united opposition of political party opponents, known as open and avowed opponents, but many of the less informed friends of the administration have always been used as opponents of the Indian policy of the administration, even in the States most deeply interested in the late Indian policy of the Federal Government in the removal of the Indians from the East to the West. And we have often seen the strong feelings of self interest waived for the moment to accommodate party feelings and party interest. For many years past, I have found the measures and policy of Gen. Jackson and myself, in our respective official spheres on this Indian subject, discountenanced and sometimes thwarted, by our political opponents, as far as public opinion would tolerate opposition to measures clearly calculated to promote the common interest of the country. The newspapers of the day, in Georgia and elsewhere, will show that I was for many years traduced, abused and censured for the straight-forward course which I pursued in paving the way for a speedy removal of the Indians from Georgia. Yes, sir, I and my friends have borne the heat and burthen of the day in this Indian controversy. And now, in the moment of success, on the day of glorious triumph and victory, when the smoke of the battle has passed away, what is the exhibition which we witness even in this hall? Why, sir, we see the honorable Senator from South Carolina, with his characteristic zeal and eloquence, rise up (not to call us blessed) in his place, and address this Senate, in a mode and manner calculated to produce the impression abroad (not here) that the

executive officers of the Government, with the aid and assistance of your humble servant, had suddenly, all at once, without rhyme or reason, abandoned our long cherished policy, and gone over to the enemy; and that, too, after we had fairly and fully achieved the victory of a hard and well-fought battle.

Sir, can the Senator believe, by his wordy eloquence, that he can thus far mislead the public mind? Sir, he is an utter stranger to my constituents, if he believes that any man living can make them believe that I have proved recreant to their interest on this Indian subject. They too well know my toils and my labors, my perseverance, my constancy, upon this most important subject connected with my public life. No, sir; no! The Senator cannot make Georgians believe that I have abandoned their rights and interest! They have tried me for forty years—and “mene tekel” has not yet appeared on the wall!

In Georgia, at this time, we have but one party on this subject. The whole people anxiously desire the speedy removal of the Indians, in terms of the late Treaty.

And, sir, the opponents of the administration are greatly deceived, if they put so low an estimate upon the intelligence of the people of Georgia as to suppose they will find special favor with them for their loud cries of victory at the close of the Indian fight, when they have only entered the field of battle at the eleventh hour. I am willing that these newcomers should receive their penny, but I cannot consent to the withholding a fair and just reward for those faithful servants who have borne the heat and burthen of the day.

Sir, I again thank the gentleman for the zeal which he now exhibits in behalf of the interest of the people of Georgia, and for the high compliment which he has paid to the present Governor of Georgia.

I concede to the Governor of Georgia good intentions in his efforts to conciliate John Ross, and have yielded something of my own opinions to his commanding position, in order to co-operate with the views of the Governor of my own State, as well as those of the executive officers of the Federal Government.

I shall always do the Chief Magistrate of my State ample justice, whatever political difference of opinion may exist between us. I do most solemnly, however, protest against the effort of the Senator from South Carolina to cast censure and blame upon the President of the United States and Secretary of War, as well as myself, for yielding some-

thing of our opinions to the plainly expressed opinions and wishes of Gov. Gilmer and his political friends, especially his Northern Whig friends.

If there be any sin in yielding a trifle in this matter, it all lies at the door of the opponents of the administration; and yet the Senator from South Carolina (Mr. Preston), as the organ of the Southern wing of the opposition, upbraids the administration and its friends with the throwing heavy obstacles in the way of the Governor of Georgia, by pursuing the very course which the Governor advised.

Sir, I would inquire what are the heavy responsibilities thrown upon the Governors of the four States where some of the Cherokees still remain?

Even under the misapprehension which has been indulged that these States had been applied to for two years more time for the emigration of the Cherokees, why, sir, the duty of the Governor would be easy and plain, freed from all responsibility, is to give an answer in accordance with the wishes of the whole people of these States. Where is the Governor who need be bothered with such responsibility as this?

Morover, the Senator from South Carolina contends and urges that the proposition from the Secretary of War to John Ross amounts to a new treaty, and to an infringement of the Treaty of 1835. I am not able myself to put any such construction upon the proposals of the Secretary. I know that such was not his intention. The President of the United States and Secretary of War have uniformly and firmly assured John Ross and his friends that the Treaty of New Echota would be faithfully executed without infringement or change in its provisions.

The Secretary, in his proposals to Ross, in the very first sentence, disclaims all right on the part of the Federal Government to enter into any treaty stipulations which might affect the rights of the States. And we have a reiteration of the same sentiments and sacred regard to the rights of the States throughout the document under consideration. I consider myself an unwavering, well-settled States' Rights man; but I see not the slightest ground to complain of this document on that score.

The present administration of the Federal Government belongs to the good old Republican school of 1798 and 1799, and, therefore, cannot be disposed to infringe on the rights of the States.

That temporary mischief here grows out of the misap-

prehensions spread over the country in relation to this subject, I am fully aware. But, from the nature of things, this excitement must very soon abate. The constant and daily movements and operations of the Government will certainly correct, and without delay, the mistaken impressions made upon the public mind through the false communications fabricated here and circulated far and wide.

The Government is regularly moving forward in the discharge of its duty. Gen. Scott's instructions remain unchanged. His character is a sufficient guarantee that his duty will be discharged with ability and fidelity. From the various accounts which I receive from the scene of action, the preparation and movements connected with the emigration of the Cherokees is going on quietly and harmoniously, and with as much promptitude as the nature of the service will permit.

In conclusion, I would beg leave to request the Senator from South Carolina (Mr. Preston) to be assured hereafter of my fidelity to my constituents, especially upon this Indian subject. I can assure the honorable Senator that he is wholly mistaken if he supposes that the bearing of his own remarks will ever induce the Southern wing of his own party to believe that I have no more self love than to give a victory up to my opponents which has been achieved by my friends and myself, in the face of their aid and comfort extended to the enemy. No, sir; the Senator wholly misapprehends my relation to this whole subject, as much as he does the communication of the Secretary of War to John Ross; or he never would have permitted himself to get in the lead of my friends and myself, in zeal and earnestness, for the speedy and faithful execution of the Cherokee Treaty of 1835.

Mr. Lumpkin was followed in the discussion by Messrs. Clay, of Alabama; Strange, of North Carolina; Southard, of New Jersey; and White, of Indiana, when the bill was ordered to be engrossed, by a unanime vote.

CHAPTER XVII.

Athens, Ga., Oct. 8th, 1853.

Deeply impressed with a sense of duty to sustain the truths of history, and without the slightest spirit of rendering evil *for evil* in recording, for the information of those who survive me, the foregoing speech, made in the Senate of the United States, in reply to Mr. Preston, it is due to those for whom I write for me to make the following further explanation:

My political opponents had opposed and censured me, in every possible form, during the four years that I was Governor of Georgia, for that cause of the legislation of Georgia which tended to force the Cherokee Indians to emigrate from the State to that excellent country which had been procured for them in the West, principally through my exertions and instrumentality, while I was a member of the House of Representatives in Congress.

The legislation referred to was certainly the prime cause of bringing into existence the Cherokee Treaty of 1835. The Cherokees were fairly legislated out of a desire to remain longer under the laws of civilization. This was more especially the case with the most enlightened portion of the Cherokee people.

And in the shaping and formation of that Treaty I used all my influence (which was not inconsiderable at that time) to make it a treaty fraught with lasting advantages and benefits to the Cherokees. It was my ruling desire to frame the Treaty so as to confer the most marked benefits on every individual Indian, the poor and the rich, and, further, to make it the most magnanimous treaty ever framed with an Indian tribe. It was so shaped as to be most liberal to all, without bestowing any special favor on a single individual.

In order to secure the application of these benefits and advantages to every Indian, in accordance with the provisions of the Treaty, it was provided that two Commissioners should be appointed by the President of the United States, by and

with the advice and consent of the Senate, to see that the Treaty, in its various provisions, was faithfully carried out.

Being, as is already known to the reader, one of the Commissioners thus appointed, and that I remained in that office until all the most important duties of the office were fulfilled and discharged, and most of the intelligent Indians had been emigrated to the West, in accordance with the provisions of the Treaty, nothing now remained to be done to consummate the objects of the Treaty except the removal of Ross's ignorant portion of the Indians, being that portion who yielded implicit confidence in their principal Chief, Ross. And I entertained not the least apprehension but that these ignorant people, if taken firmly by the hand, and told that they must go and join their people in the West, and at the same time assure them that Ross was a deposed ruler, by the laws of Georgia, and that he was powerless, they could have been taken away peaceably and quietly, without hazard, or loss, either to the Indians or white population of the country.

Moreover, I was deeply adverse to the policy and views of the Government at Washington, as well as to those of the then Governor of Georgia, as hereinbefore given to the reader. Their plan was to conciliate Ross by money, flattery, and restoring to him, by such conduct, the importance of his former chiefship. I then thought, and I still think, that was the auspicious moment to have divested Ross forever from having further power for mischief, and consummating the ultimate ruin of the Cherokee people. He ought to have been put in strings and banished from the country. Although a large slave holder, Ross was well qualified to have filled a prominent place amongst the New England Abolitionists, or in the Republic of Hayti—and to one of these places I wished to see him emigrate. I deplored the idea of seeing so great a curse planted in the West.

If my policy in regard to Ross had been adhered to and carried out, the Ridges and Boudinot, with others—the very best blood of the Cherokee people—would never have come to the tragical deaths which they did, of being massacred in their own houses, in the dead and dark hour of night, by the vagabond savages of John Ross, to satiate the deep hate and revenge of Ross; and that, too, after the Indians had all emigrated and were peaceably and prosperously settled in their new homes in the West.

And let me give the reader a few facts connected with the murder of the Ridges and Boudinot, lest it may be

thought that I have no just cause for indignation towards this man Ross and his *stipendiaries* who ever stood ready to execute his dirty work and decrees, while he wore all the calmness in appearance of a summer's morning. And, first, as I have often said, the Cherokee Treaty of 1835 was negotiated by a delegation of the most enlightened and patriotic men that ever negotiated an Indian treaty. The Treaty was ratified in due form by the Government of the United States, and sustained and supported by an overwhelming portion of the intelligence of the Cherokee people. Nevertheless, John Ross and his followers appealed to the passions of the ignorant masses of the Indians, in opposition to the execution of the Treaty. But, after much labor and effort on the part of the Government, all obstacles were so far removed and overcome as to remove the whole tribe, including Ross and all his family and friends, under the provisions of the Treaty, without the use of actual applied force on the part of the Government, or the shedding of one drop of human blood.

On the arrival of the whole tribe in the West they were welcomed to their new homes by their brethren, the old settlers. The emigrants of the treaty-making party considered themselves private citizens, amenable to the laws and regulations which they found in operation in the country, and deported themselves accordingly; and were well satisfied with the existing government of the country, and sought no change, except such as might be introduced by a regular course of legislation, emanating from the whole people, now united as one people, in their Western homes.

But Ross and his associates, who had been principal rulers and chiefs while they remained in the East, on their arrival in the West insisted that they were still the legitimate and rightful rulers and chiefs of the Cherokee people, wherever they might be found; and that the Cherokee code of laws and form of government, as it existed in the East, should, in all its parts, be the supreme law of the land over the whole Cherokee people, now united in the West as one people.

A general Council was called, and the subject freely discussed. The Council broke up in some confusion, and, without hope of adjusting the matter satisfactorily, each party firmly maintaining their ground, the treaty-making party taking a decided stand in favor of the old settlers.

Shortly after this Council adjourned Ross called together a *mock* convention, composed exclusively of his own parti-

sans, which meeting, in a formal manner, proceeded to adopt the laws which existed among the Cherokees in the East previous to their removal to the West, and declared these laws to be the form of government which should be enforced in the West over the whole tribe as now united, and that said laws were from that date in full force and virtue, and should be executed accordingly. And, further, they reinstated all their former Chiefs, with John Ross at their head; and at one stroke nullified the whole government of the Western Cherokees, which had been in peaceable and successful operation for upwards of thirty years, except such amendments as their progress had introduced from time to time.

Moreover, it was by this same meeting decreed, in a special and separate form, that a very ancient law, remaining on their Eastern statute book, should be revived, declaring that every Chief or other Indian of the Cherokee tribe who should assent to the sale of their country (East) or any part thereof should suffer death, without the benefit of clergy, &c. And, further, that this law should now be executed on the signers of the New Echota Treaty of 1835. And accordingly a number of persons were forthwith selected and appointed to go forth and execute said decree; and accordingly they did execute it—so far as to butcher and murder old Maj. Ridge and his son, John Ridge, and his nephew, Elias Boudinot, in the most cruel, shocking, and savage manner; after which Ross and his associates still continued together, maintaining a warlike attitude, with arms in their hands, until they took up the subject of the murderers of the Ridges and Boudinot, and, by a shameful act of pretended legislation, passed a general act of amnesty and pardon, extending to all past crimes, murders, thefts, &c., up to the day on which they acted, and thus legalizing the murders of the Ridges and Boudinot; to which act follows a proviso that the surviving signers of the Treaty of 1835 shall be pardoned, on one occasion only, to wit: that they shall appear before that council in fifteen days and take and subscribe an oath of allegiance to the assumed power of Ross and his associates. And three of the individuals who signed the Treaty were in Washington when I made the memorandums from which I now write, and these individuals made a solemn appeal to the Federal Government for protection and redress, as the circumstances of the case so greatly demanded. But this relief, although promised again and again, to the shame of the Government, and

especially to the administration of Mr. Van Buren, was never applied or extended. The Government did pretend, through its officers and agents, to make a demand of the murderers of the Ridges and Boudinot, but they were never given up or punished, and here ended this horrid and gloomy tragedy. And to the lasting disgrace of the Federal Government, in sorrow I record these melancholy facts.

I remonstrated again and again, and received promises that these murderers should be punished, but it was never done. I am forced to look to God for retribution.

But to return from this long digression from the subject that I was more particularly dwelling on—that is, the closing scenes in the Senate of the United States, in connection with Cherokee emigration. As before stated, I yielded to the policy of Ross as the agent to emigrate his followers to the West and his receiving a fortune for the performance of the duties of that agency, with great reluctance, and under protest made to the President of the United States, the Secretary of War, and before the Senate of the United States. But the circumstances at the time left me no opportunity to choose. It was the policy of the powers *who then ruled*, both Federal and in my own State. And further resistance on my part would only produce ruptures which might end in the shedding of human blood in that part of the country where Ross's Indians still remained.

My great success, for twelve successive years, in carrying forward my sternly determined policy never to cease my efforts while an Indian remained in Georgia, being now fully consummated beyond the shadow of a doubt, why controvert any longer the comparatively unimportant question as to the *method of raising the capstone* to its proper place? In the progress of these arrangements, much as I had seen of the depravity of poor human nature, I was perfectly astonished at the magnitude and ingratitude of human depravity. It burst forth in great, but secret, violence on my own devoted head, from men of my own political party (some of them mainly elevated from obscurity to a seat in the councils of the nation through my friendship and influence) in combination with my Whig opponents. They wrote letters containing gross falsehoods, to detract from my merit and fidelity to the interest of my constituents. They endeavored to produce the belief that I had abandoned and set at naught all the past labors of my life—had changed sides and taken Ross by the hand, &c. And all this was based upon the single fact that I had assented to the favorite

plan of the Federal Government and Gov. Gilmer, to let Ross emigrate his own Indians, when it was well known that even this assent was given under my protest of disapproval. The newspapers of Georgia were filled with these gross and malicious fabrications.

It all originated from *envy*—the basest passion of the human heart—of my prominence, from first to last, in ridding the State of Georgia from the incumbrance of her Indian population, while so many in equal position to have aided in this important work had stood idle all the day long, predicting that my efforts would end in evil; or, if they used any effort, it had been to defeat the success of my efforts, so that they felt the horrors of self-condemnation.

But all these attempts to rob me of the hardest and dearest-bought earnings of my public life passed away like the morning dew or summer shower. But "Truth is mighty, and will prevail." When "Crushed to earth, it rises again."

A short time, and the smell of their fire was not left on my garments. The people of Georgia have done me justice on this Indian subject.

They kept me in the House of Representatives, in Congress, six years, when elected by a general ticket of the whole State. Having done all that could be done there preparatory to the removal of the Indians, before my last term of service had expired their voice urged me, reluctantly, to abandon my seat in Congress and enter upon the duties of Chief Magistrate of the State, where they continued me four years up to the moment of the formation of the Cherokee Treaty of 1835. I then entered upon and discharged all the most important duties of Commissioner, in the execution of the Treaty, when, by the voice of the people, through the Legislature, I was transferred to the Senate of the United States, for the express purpose, mainly, to meet John Ross and see that he and his Indians should speedily take up their march for the West, all of which has been done to the entire satisfaction of the people of my own generation. I only ask of posterity to read, examine and understand this subject.

Being requested by Mr. Poinsett and Gen. Scott, on the 7th of April, 1838, before any arrangement had been made with Ross for him to emigrate his Indians, and just at the moment when Gen. Scott was about to leave Washington for the Cherokee country, with a sufficient command to collect and remove the remaining Indians from the States to the West, to submit to them my views in regard to the

best plan of operations on the part of Gen. Scott, in the discharge of duties which were devolved on him, together with such information in regard to the people and country as I might consider important to be known by Gen. Scott, I very hastily put together the following notes, a connected copy of which, after a full and free conversation I handed to Gen. Scott, in the Senate Chamber of the United States, and I now place them here, with all their imperfections, because they are confirmatory of much that has hereinbefore been given to the reader:

Senate Chamber,
Washington, April 7th, 1838.

First. The basis of every other movement connected with the removal of the Indians and the execution of the late Treaty should be an inflexible adherence to all the provisions of the Treaty, especially as to the time for their removal as stipulated in the Treaty. Whatever relaxation may become necessary on this subject should be extended as gratuitous favor, and founded on no new stipulation on the part of the Government.

Second. It will be altogether inexpedient to listen to any proposition from Ross which may conflict with the course I have indicated. But if Ross would pledge himself, in an unequivocal written form, to use his best exertions to emigrate his Indians peaceably, and in conformity with the provisions of the Treaty, in my opinion that would justify the Government in hearing any propositions which Ross may choose to submit.

All propositions coming from Ross should be received and treated as the propositions of a private individual of the Cherokee people, and not as the propositions of a Principal Chief of the Cherokee people. And any arrangement which may be entered into by the Government with Ross ought obviously to be conditional and not binding on the Government of the United States, or the Cherokee people, until the subject has been fairly and fully discussed by the existing authorities of the Cherokee people, West, and approved of by them. Otherwise, you will reinstate Ross to his chiefship and assumptions to govern and control the Cherokee people in the West, *after his arrival there*, and you may rest assured such assumptions will be resisted by the old settlers and treaty-making party now in the West.

Third. I consider it indispensable to the best success of Gen. Scott that it should be understood here, before his

departure for the Cherokee country, that the Executive Government *here* will entertain no proposition from Ross which shall, in the slightest degree, impede the discharge of his duties, as he now stands instructed, in carrying out the Treaty by the removal of the Indians according to the stipulations of the Treaty. Indeed, I should deem it most appropriate that any propositions which Ross may hereafter think proper to make to the Government should be made alone through Gen. Scott. My object in this last suggestion is to prevent Gen. Scott from being embarrassed by false reports which may reach him in the country of what Mr. Ross is doing here and which may to some extent impede the speedy removal of the Indians.

Fourth. Although I do not apprehend any serious danger in the removal of the Indians, I would advise an imposing military force to be placed at the disposal of Gen. Scott. And, if such an arrangement would be admissible, I would advise the use of military officers not heretofore employed in the Cherokee country—such should be preferred to those who have heretofore committed themselves by taking sides with Ross in opposition to the Treaty. The commanding General, Scott, will, on his arrival in the Cherokee country, find a great want of unity of feeling and concert of action amongst the civil and military officers now employed in that country. He will find them divided as *Ross* and *anti-Ross* men. And the General may do well to be guarded against the prejudices of those who have indiscreetly committed themselves to a cause incompatible with the duties of the service in which they have been employed.

Fifth. If the contemplated military force of six or seven thousand men is placed under the command of Gen. Scott, it may be so stationed as to afford the most perfect security and protection to the people of every exposed section of the country, and, at the same time, prevent any general gathering or concentration of the Cherokees for hostile purposes, if, indeed, it should be possible to engender such a spirit.

Sixth. If the Indians should continue to resist emigration, and it becomes necessary to collect and gather them at such points as may be thought most advisable, and the military used for that purpose, I should consider it best for that operation to commence on the southern border of the country and progress North, taking the whole of the scattering Indians in abreast before the army.

This plan would not only remove, first, the Indians who are most liable to interruption and difficulty, but it will be

found the most advisable plan to secure the necessary supplies for the army, as well as the Indians—that is, from the Tennessee River—and will also tend to collect the Indians at the point on the Tennessee River from which they must take their final departure for the West.

I submit this idea for consideration: In the event of being under the necessity of taking the Indians forcibly from the country, would it not be expedient to precede that movement by disarming all the Cherokees? Most of the men have guns and plenty of ammunition; and if their arms were taken from them, and deposited at the intended point, or points, of their departure for the West, ready to be taken with them and delivered to them again at the proper time and place, would it afford any just cause for complaint against the Government? The object of such a measure would be solely to prevent mischief and evil results from a state of things forced upon the Government by the obstinacy of Ross and his Indians.

Again, I would suggest the propriety of collecting the Indian women and children, and treating them with special care and kindness, where the men may happen to be out of place, either by design or accident—and a doubt can scarcely be entertained that the absent men will soon follow their women and children.

No man in the Cherokee country is better acquainted with the Indian character and country than Gen. Charles H. Nelson. He is a gentleman of honor and probity of character, a *soldier* and an *officer*.

Col. C. D. Terhune is well qualified to give correct information both in regard to the Indians and the country where they still remain, and is entitled to confidence. His residence is in Cass County, Georgia.

Unfortunately, many of these Indians have acquired all the *vices* and but few of the virtues of the *white man*. But few of them, *very few* indeed, will be found entitled to your confidence under existing circumstances. They will consider it justifiable in them to practice the most gross deception on any white man.

Ross is the *soul* and *spirit* of his whole party, and they will act in accordance with his views. In regard to Ross himself, he is a sagacious, subtle man. Under the guise of an unassuming deportment, his arrogance is unsurpassed. He always takes high ground, and maintains his assumptions with the utmost pertinacity and obstinacy. When he deems it necessary, he maintains the most dignified reserve, and

never communicates freely and without reserve even with his best friends. He has the art of acquiring credit for talents and wisdom which he never possessed.

He writes well, but has had the credit of being the author of many able productions which were written by others, and not himself. Some of the first writers of the age, such as Sergeant, of Philadelphia, Wirt, of Virginia, &c., &c., have long been his *feed* counsel, and have suffered their pens to be brought into requisition in aid of this man Ross. Amongst the treaty-making party their ablest and best men have all emigrated to the West, under the provisions of the Treaty, and are now peacefully enjoying the blessings of their promised inheritance.

The extent to which the Treaty is already executed may be readily seen by reference to the books of the Commissioners at the Cherokee Agency, Calhoun, Tennessee; and, upon examination, it will be found that but little of great importance remains to be done in executing the Treaty, except the removal of Ross and his Indians to the West.

Respectfully submitted,

WILSON LUMPKIN.

I am fully apprised that I have already submitted so much of what I have said and written upon the subject of Indian affairs, embraced in my official correspondence in various offices which I have occupied, and my speeches in Congress, that but few, *very few* readers will ever have the patience to read and consider all that I have said and done in connection with this very important and interesting subject, and will scarcely give credence to the fact which I now state, to wit: That I have given but a limited portion of the whole of my labor of this sort connected with the subject.

It is true, however, that it has been my constant aim to select that which I deemed to be most important and best calculated to keep up the chain of my connection with the subject.

I feel, however, that I am now near the close of what I had intended to present at the commencement of this work of compilation.

I will give one more of my speeches on the subject of Indian affairs, made in the Senate of the United States, and then it is my intention at present to turn my attention to other subjects with which I stand officially connected in the history of the past.

SPEECH

of Mr. Lumpkin, of Georgia.

In Senate, March 19th, 1840, in Executive Session, on the Treaty With the New York Indians.

Mr. Sevier (Chairman of the Committee on Indian Affairs) having made a report and speech against the ratification of the Treaty,

Mr. Lumpkin rose and said:

Mr. President: In rising to advocate this Treaty, and desiring, as I do, to reverse the report of the Committee on Indian affairs, I am duly sensible of the magnitude and responsibility of my undertaking.

The admitted ability and great ingenuity with which the Chairman of the Committee (Senator Sevier) has sustained his report, in opposition to the Treaty, and the indications of approbation manifested by Senators in every part of this hall to the speech and views, is well calculated to make me feel the full force of my position. Yes, sir, my position appears to be that of leading on a forlorn hope. But, sir, a sense of duty urges me on to this unequal contest, and nothing less than my taking the lead will satisfy my friends in the Senate who concur with me on this subject.

As a member of the Committee on Indian Affairs, at the last session of Congress (heavy as the task was) I had examined this subject in all its parts and bearings, so far, at least, as I was capable of investigating a subject so difficult and complex to be comprehended. At the present session I had not supposed it necessary to enter upon an entire re-investigation of the subject, not deeming it necessary to go further back in the investigation than to the action of the Senate at its last session. The Senate then expressed its sanction of this Treaty, with the single proviso that the President of the United States should first be satisfied that the assent of the Seneca tribe of Indians had been given to the Treaty according to its true intent and meaning. And if we now sustain the views of the Senate, as expressed at its last session, our duty is narrowed down to the single question: Has the assent of the Seneca Chiefs been thus obtained, or not? This, sir, is now the true issue before the Senate, and the friends of the Treaty should not suffer themselves to be diverted from that issue.

But, sir, the Chairman of the Committee (Mr. S.) having occupied the whole ground connected with this Treaty from

the beginning, and especially every historical part and circumstance connected with the subject calculated to invalidate and bring it into disrepute, it, therefore, becomes the imperative duty of those who support the Treaty to travel over all the ground occupied by the Senator.

The Senator from New York (Mr. Wright) having yesterday replied to that part of the Chairman's speech in reference to matters antecedent to the Treaty of June the 11th, 1838, I do not deem it strictly necessary for me to go further back than the President of the United States has done in communicating the Treaty to the Senate. It may, however, be proper to state very briefly how we have such a variety of parties in interest connected with this Treaty. Well, sir, as stated by the Chairman of the Committee, the States of Massachusetts and New York, in the year 1786, in adjustment of their conflicting territorial claims, finally agreed that while New York should have the jurisdiction and government of a certain district of country, being the country in part embraced in this Treaty, Massachusetts should have the right to the soil, subject, however, to the occupant rights of the Indians then inhabiting the same. The pre-emptive rights to these lands were sold by Massachusetts to Robert Morris, of Philadelphia, on the 11th of May, 1791, and are now represented by Ogden and Company, of New York. This, sir, accounts for the agency of Massachusetts in connection with this Treaty, and will cause me to be understood hereafter, when I speak of Gen. Dearborn as the agent of Massachusetts superintending the negotiation of this Treaty, in connection with Mr. Gillett, who acted as Commissioner of the United States in making this Treaty.

And now, sir, in the language of the President of the United States, in communicating the Treaty to the Senate, let me express my decided conviction that the Treaty will be alike beneficial to all the parties concerned; to the Indians, to the State in which the land is situated, and to the more general interest of the United States, in consummating her policy in relation to Indian affairs.

Now, sir, if I can demonstrate that this Treaty is beneficial and a blessing to all the parties in interest, shall we still refuse to sanction it? If I prove that its rejection will be highly detrimental to the best interest of the Indians, to the State of New York, and the United States, shall we still refuse to ratify it? Sir, when I consider the moral degradation of these Indians and reflect that they cannot escape from the attendant destruction which awaits them in their

present abodes, I cannot estimate the value of immortal beings by dollars and cents. I cannot be altogether as strict in my inquiry in regard to the propriety of the United States incurring some expenditure in an object so essential to the preservation of the remnant of a once powerful race.

The President of the United States informs you in his message that this Treaty presents the only prospect for the preservation of these people. He says, "Surrounded as they are by all the influences which work their destruction, by temptation they cannot resist, and artifices they cannot counteract, they are rapidly declining;" and, "That where they are, they must soon become extinct." And, sir, these statements of the President of the United States are fully sustained by both the honorable Senators from the State of New York, as well as by Gen. Dearborn and Mr. Gillett, and by every other gentleman with whom I have conversed who is acquainted with the present and true condition of these people. And yet, sir, we find persons professing all that is Christian and benevolent, pious and good, unwilling to let these poor, suffering Indians go to a land of hope. This Treaty is truly recommended by its liberality to the Indians. It gives them 1,824,000 acres of land in the Indian Territory, West, and the sum of \$400,000 for their removal, and subsistence, for educational and agricultural purposes, the erection of mills, and other necessary buildings, and the promotion of the mechanic arts, besides some other minor, but advantageous, provisions. From the enumeration of the specific objects to which this money is to be applied, it is proper for me to remark here that I take it for granted that while these provisions of the Treaty are munificent and bountiful to the Indians the expenditure must be gradual and, therefore, will not be burthensome to the Treasury.

It is believed that ten thousand dollars will not be required from the Treasury for the next twelve months to carry out the provisions of this Treaty. A small sum will be required at first, and probably will gradually increase as the migration progresses.

In exchange, the Government obtains 435,000 acres of the best lands near Green Bay, lying on Fox River, and near the best port in Wisconsin. This land is said to be now in demand, and disconnects the white settlements which are already made in that country. The public interest would be greatly promoted by the early settlement of this 435,000 acres of land with a white population, and if it could be brought into market no doubt is entertained of its being

readily sold, and speedily settled by an industrious and enterprising population. At the Government price, (and it is believed that most of it would sell for more), it would not only reimburse the Treasury for the necessary appropriations to carry out the Treaty, but it would exceed it by one hundred and fifty thousand dollars. Indeed, it is believed the demand upon the Treasury to carry out this Treaty might be supplied from these lands. It has been suggested by those opposed to the Treaty that the land might be declared forfeited to the Government; but the supplement to the Menomonee Treaty of 1831 gives no definite time for its occupation, and the President has prescribed none. Moreover, the New York Indians paid a large consideration for these lands by their Treaties with the Menomonees in 1821 and 1822, which Treaties were approved of by the President of the United States. But their purchase from the Menomonees, amounting to about 1,500,000 acres, in regard to its justice and policy being called in question, in the year 1831, Treaties were made for the purpose of reconciling all the conflicting claims by which the United States acquired the territory in dispute, giving the New York Indians, however, 500,000 acres of the disputed lands; and the Menomonees 20,000 for their acquiescence—all of which may be seen by references to the Treaty with the Menomonees of 1831. Under these circumstances, the titles of these Indians cannot be justly disturbed till another home is provided for them. And, sir, the tract of country set apart for the New York Indians by this Treaty is not so serious a consideration to the Federal Government as gentlemen seem to suppose. A territory west of the Mississippi has been procured and sacredly set apart by the Government, amply sufficient for the location of all the remnant tribes of Indians which are still remaining in all the States and Territories of the Union east of the Mississippi. It is the settled policy and wish of the Government thus to locate these Indians.

And, sir, if these poor, perishing people were entirely destitute of all the necessary means to contribute to their own comfort and settlement, even in the slightest degree, the duty in that case would become more imperative on this Government to provide for and take kind and parental care of them.

I understand the Government to have assumed the parental and guardian care of these remnants of the aboriginal race; and its duty and honor require that it

should, at all times, stand ready and prepared to render a satisfactory account of its stewardship to a civilized and Christian world. The wise and enlightened policy of collecting, removing and settling these remnant tribes in permanent homes in the West, and thereby relieve the States altogether from the perplexing incumbrance of an Indian population, and, at the same time, make a last and honest effort to save from extinction a remnant of the native race, has always had my warmest support and approbation.

I have no claims to the honor of having originated this scheme, or plan. No, sir, this was done before I entered my present field of public labor.

The plan was first brought to my notice by observing the recommendation of Mr. Jefferson, and has since been sustained more or less by most of his successors.

Mr. Monroe most earnestly recommended to Congress efficient action to carry out this plan for emigrating Indians from the States and settling them permanently out of the limits of all the then States and Territories of the Union.

The then Secretary of War, Mr. Calhoun, sustained the views of the President in a very able report on the subject of Indian affairs. Not being a member of Congress at that time (1825, I believe), I was surprised that no member of Congress made a direct effort at legislation on the subject; and in 1827, when a member of the other branch of Congress, I did not fail to bring the subject, in a direct manner, to the consideration of Congress. And, sir, it will continue to be a source of gratification to me that I was the first member of either branch of the American Congress to urge this beneficent plan of salvation to the Indians, as well as relief to the States, upon the consideration of Congress.

Mr. President, you will remember the violent opposition my first effort met with from various quarters; but that effort has been perseveringly followed up, and in its progress constantly gained friends and increased support.

The history of its progress and success is familiar to this Senate, and to the whole country. And, sir, I consider it now, as I have done from the beginning, one of the most important measures connected with the history and character of the Government of our beloved country.

Shall we then dally and falter in the consummation of a policy which now, from experience, has forced itself upon the approbation of the wise and the good not only of our own country, but upon all who appreciate the blessings of civilization in every land?

Sir, we are Senators, representing sovereign States of this Union—not only our own States, in a special manner, but all the States. And the people of New York, very naturally and properly, feel a deep interest in this matter. And the Federal Government, by its policy and action, has become so connected with this subject that we cannot honorably, if so disposed, abandon the connection which the Government has, by its own acts, assumed in relation to this matter. The views of the Government in regard to these Indians has been too fully developed, in various official acts, and also in the legislation of Congress, for us at this late day to stand justified in assuming the ground that this affair all belongs to the State of New York, and that this Government has no concern in the issue now before us.

Shortly after the close of the Revolutionary War, the six nations of Indians of New York became convinced that the increase of the white settlements around them would make it necessary for them to seek a new home in the West; and, in council held by these people as early as 1810, they resolved, and did send a memorial to the President of the United States, inquiring whether the government would consent to their leaving their habitations and their removing into the neighborhood of their Western brethren; and, if they could procure a home there, by gift, or purchase, whether the Government would acknowledge their title to the lands so obtained, in the same manner it had acknowledged it in those from whom they might receive it; and, further, whether the existing Treaties would, in such a case, remain in full force, and their annuities be paid, as heretofore. The President answered by saying their request should be granted.

And under this appropriation the Treaty of 1831, between the New York and Menomonee Indians, to which I have heretofore adverted, was made and concluded. Under all these circumstances, is it matter of surprise that any person who pretends to be acquainted with the history of these transactions should rise up and say that the Federal Government has nothing to do with these matters; that it all belongs to New York and Massachusetts?

Sir, it has clearly and obviously become our duty to act in this matter; and, for one, I shall neither waive my right nor shrink from my responsibility. Does not the interest of New York require that we should act in this matter? The answer is found in the following language of the President of the United States in his message on this subject:

"The removal of the New York Indians is not only important to the tribes themselves, but to an interesting portion of Western New York, and especially to the growing city of Buffalo, which is surrounded by lands occupied by the Senecas; and to this portion of our country the extraordinary spectacle is presented of densely populated and highly improved settlements, inhabited by industrious, moral and respectable citizens, divided by a wilderness, on one side of whom is a city of more than 20,000 souls, whose advantageous position in every other respect, and great commercial prospects, would cause its rapid increase in population and wealth, if not retarded by the circumstances of a naturally fertile district remaining a barren waste, in its immediate vicinity."

And, sir, what does the President say in regard to those persons who are entitled to the reversionary right of these lands? His language is: "Neither does it appear just to those who are entitled to the fee-simple of the land, and who have paid a part of the purchase money, that they should, from the waste which is constantly committed on their reversionary rights and the deterioration consequent upon such depredations, without any corresponding advantage to the occupant Indian."

In and out of the Senate I have found persons strangely opposed to this Treaty, because they seem to think it confers special favors upon the persons known as the pre-emptioners; these individuals seemed to be viewed in the light of speculators, who are endeavoring to defraud the Indians out of their lands. Now, sir, nothing, so far as I can discover, can be more unjust to these deeply injured individuals. The quotation which I have given from the President's message, as well as the reports from Gen. Dearborn and Mr. Gillett, United States Commissioner, together with all the mass of documentary evidence which we all have seen on our tables, in a printed form, on this subject—yes, sir, all this mass of testimony goes to establish and confirm the merit and good character, liberal conduct and fair dealing of these pre-emptioners, and especially their agents, Messrs. Ogden, Fellows and Wordsworth. Gen. Dearborn says the gentlemen just named "have afforded me every facility for an agreeable and thorough discharge of my duties."

That those pre-emption owners of the lands should be desirous to hasten the time of going into the possession of their just rights is altogether natural, right and proper. They neither claim nor desire any advantage which has not been

fairly derived from the State of Massachusetts, and their good conduct and fair dealing have obviously secured to them the respectful consideration of many of our most distinguished public men and citizens, as may be seen by a careful examination of the documents which accompany this Treaty. It is true that I duly consider the interest of these individuals, but, at the same time, view it as a minor object in the provisions of this Treaty—yet it is an interest entitled to some consideration.

To remove, however, unjust and improper prejudice, growing out of a want of correct information against these pre-emptive claimants, and consequently against the Treaty, I will, contrary to what I had intended to say on this branch of the subject, enter more fully on an explanation on the nature and history of the merits of these pre-emptive claims. It will be found, sir, by examining the history of the proceedings of the Federal Government, that the Convention held in 1786, between New York and Massachusetts, which resulted, as heretofore stated, in a cession to the last named State of the territory since called the Genesee Country. The right and sovereignty of jurisdiction being reserved to New York, was held under the sanction of Congress; and, by the deed of cession, Massachusetts is authorized to hold treaties with the native Indians for the extinguishment of their title, and for this purpose to employ such armed force as should be necessary; also, to grant the right of pre-emption to others, with the like powers, but under a provision that purchasers from the Indians by the grantees of Massachusetts should be made in the presence of a superintendent, and subject to the approval of that State.

And the lands embraced in the Treaty now under consideration were conveyed by Massachusetts to Robert Morris, and by him to what was called the Holland Land Company. Under these cessions and conveyances, Morris extinguished the Indian claim to the greater part of the territory which he had purchased. In 1810, the Holland Land Company sold and conveyed all the lands now occupied by the Seneca and Tuscarora tribes to David A. Ogden, who afterwards sold them to the present pre-emptive owners. In 1826, these owners extinguished the Seneca claim to part of these lands, and to the residue they still hold a legal estate, in fee-simple, subject only to the possessory right of the native Indians.

For many years past these claimants, or, rather, rightful owners of these lands, have been looking to this Government

to carry out its policy in the removal of all the remnant tribes still remaining in the States to the permanent home provided for them in the West. And when, in the year 1837, a Commissioner was appointed by the United States to hold a treaty with the New York Indians, these preemptive claimants procured the attendance, and, at their own expense, of an agent, on the part of Massachusetts, to superintend any sale growing out of a treaty which the Indians might be inclined to make. And this Commissioner on the part of Massachusetts was Gen. Dearborn, whose report has been, and will be again, adverted to, in support of the ratification of this Treaty.

Mr. President, if I have succeeded in demonstrating the advantages of this Treaty to all the parties in interest, and that I have I think will scarcely be denied, why should I then dwell longer on this branch of the subject? For, sir, it is obvious to every one that if the execution of this Treaty be beneficial to all the parties concerned, its rejection will consequently be prejudicial to all. Let me, then, turn to another consideration connected with this Treaty, by asking the question, Do these Indians wish to remove? This question is answered in the most satisfactory manner by an attentive examination and consideration of the actings and doings of these Indians for the last thirty years. Their various efforts, with but little aid and encouragement from any Government influence, either State or Federal, sustains the belief that they are unhappy, and very dissatisfied with their present abodes, and are truly anxious to emigrate to the West. The inclination of the Indians in all the States, for many years past, when left free to the exercise of their own volition, has been a constant, earnest looking to the West for new homes, where they might be relieved from that thralldom of State legislation which deprived them of their unrestricted liberty so essential to the nature of the child of the forest.

Yes, Mr. President, they have long desired a country where the white man might cease from troubling, and where the poor, weary Indian might be at rest.

Mr. Gillett and Gen. Dearborn both declared themselves to be perfectly satisfied that were it not for the unmerited and dangerous exertions of a certain number of interested white men, who are actuated by their private interests to induce the Chiefs not to assent to the Treaty, it would immediately be approved by an immense majority—an opinion which we find repeatedly reiterated by these gentlemen. The

President of the United States expresses the opinion that the same influence which was exerted in opposition to the Treaty, if exercised with equal zeal on the other side, would show a large majority of these Indians in favor of emigration. But, sir, we will endeavor to arrive at a correct conclusion in regard to the wishes of the Senecas on the subject of removal, by examining and scrutinizing the conduct and action of their Chiefs on the subject of the ratification of the Treaty. Well, sir, the Commissioner for holding the Treaty was appointed in the year 1837, and, attended by the Superintendent on the part of Massachusetts, met the Indians in council; and from the first commencement of the negotiation, we discover the interference of white men, assuming the character of friends to these Indians, strenuously opposing this negotiation, and greatly retarding its conclusion.

Indeed, it appears that every art was employed to defeat the objects of the Government in effecting a Treaty.

The country beyond the Mississippi was declared to be unproductive, and the climate unhealthy. The prospects held out by the Government to the Indians was declared to be delusive and deceptive, and, in case of removal, they were told they might look forward to want, privations and suffering.

These officious advisers were composed of white men pretending to have influence with the Indians, and seeking to force themselves into the service of the pre-emptive owners, at extravagant rates of compensation, but most of them deriving immediate advantage from a traffic carried on with these Seneca Indians; some in the sale of rum, tobacco, and blankets; others from the occupation of their lands at low rents; from the employment of saw mills on their lands; or from extensive contracts from the purchase of timber to be rafted and sent to market.

In addition to these, there were others who, possibly, were actuated by better motives—persons who had, for many years, been professedly engaged in endeavors to improve the condition of the Indians by religious and other instruction, and who, unwilling and reluctant to believe in the inefficiency of their labors, were loath to abandon the enterprise in which they had so long been engaged without any adequate success. Consequently, this combined opposition to the Treaty addressed every argument they could to the passions and cupidity of this ignorant people, to incline them still to be content in the continuance and indulgence of their

accustomed habits; and such efforts, under such circumstances, could not fail to produce great effect.

Even the more sober and sensible part of the Indians, who had long desired a change of residence, with a view of relieving themselves from the evils inseparable from their present condition, were, many of them, no doubt brought to hesitate, while those opposed to emigration became more determined in their opposition, and more strenuous to defeat the Treaty, regardless of the liberality of its provisions.

However, after a tedious and protracted negotiation, characterized by extraordinary violence and opposition on the part of the opposing Chiefs and their auxiliaries, finally a treaty was concluded on, and signed by the Commissioner of the United States, Mr. Gillett, and all the tribes of the New York Indians.

In June, 1838, the ratification of the Treaty, although strenuously opposed by the dissatisfied parts of the Senecas, aided by a powerful combination of white men, was advised and assented to by the Senate, with certain amendments, designed, as was, and is still, understood by me, to render its provisions more conformable to the policy and legislation of the United States; and this Treaty, as proposed to be amended by the Senate, was sent back to all the tribes who negotiated the same, for their assent, which assent was duly and satisfactorily obtained, as will fully appear by the message of the President of the United States to the Senate, of the 21st of January, 1839.

The President says: "I transmit a Treaty negotiated with the New York Indians, which was submitted to your body in June last, and amended." He adds: "The amendments have, in pursuance of the requirements of the Senate, been submitted to each of the tribes assembled in council, for their free and voluntary assent, or dissent, thereto. In respect to all the tribes except the Senecas, the result of this application has been entirely satisfactory. It will be seen by the accompanying papers that of this tribe, the most important of those concerned, the assent of only forty-two out of eighty-two Chiefs has been obtained. I deem it advisable, under these circumstances, to submit the Treaty, in its modified form, to the Senate, for its advice in regard to the sufficiency of the assent of the Senecas to the amendments proposed."

Mr. President, do you not perceive, is it not clear and obvious, that the only question presented to the Senate in the message of the President, upon submitting this amended

Treaty, was to ascertain the opinion of the Senate, and to obtain its advice upon the single point of sufficiency of the assent of the Senecas to the amended Treaty?

Sir, the President raises no question in this message as to whether a majority of the Chiefs had signed the Treaty, or not. He could not do this, when communicating to intelligent men, who understood simple numbers; for he tells you that forty-two Chiefs, out of the whole number of eighty-one, had assented to the Treaty, and, therefore, no one could doubt the assent of a majority of the Seneca Chiefs to the Treaty. That majority being small, the object of the President was, the advice of the Senate whether so small a majority should be considered sufficient. The Senate accordingly took into consideration the message of the President of the United States, and, on the 2nd of March, 1839, agreed to the following resolution:

“Resolved, That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended Treaty of June 11th, 1838, with the New York Indians, according to the true intent and resolution of the Senate of June 11th, 1838, the Senate recommend that the President make proclamation of said Treaty, and carry the same into effect.”

Now, sir, I have always thought, and still think, this resolution of the Senate (no doubt well intended), was inexpedient and injudicious, and that it unnecessarily laid the foundation for all the difficulties which we find ourselves this day involved in.

If the Senate had, at its last session, taken upon itself the reasonable responsibility of responding, yea or nay, to the proper and respectful request of the President, in regard to the *sufficiency* of the assent of the Seneca Indians, we should not now have found ourselves embarrassed with these difficulties of our own creation.

And, sir, I commend the President for not permitting the Senate to excel him in modesty and diffidence, in deciding alone a question, the decision of which jointly devolves on him and the Senate.

I admit, sir, that we have no additional evidence that we had not at the last session of Congress to authorize the Senate to say now what it declined saying at the last session, to wit: that the assent of the Seneca Indians is *sufficiently* evinced in favor of the Treaty.

But I believed then, and am still more confirmed in the opinion now, that a majority of the Chiefs of the Seneca

tribe have freely and voluntarily given their assent and signatures to this Treaty.

And whether they did so in general council, at a town-house, or whether it was done in part, as is alleged, at other times and places, after the several councils had been held, and the Treaty fully and fairly explained, in the face of day, to the whole tribe, as is fully and satisfactorily proven to us by the evidence now before us, I do not consider a matter of any great importance.

I can readily believe that those who signed, after the adjournment of the council, are as justly entitled to our respect and consideration as meritorious Chiefs and faithful representatives of the Indians as those who signed more hastily—they took “the sober second thought.” Indeed, sir, persons who are deliberate and slow in making up their opinions on important questions are generally more to be relied on than those who act more hastily.

Mr. President, I deem it important for the satisfaction as one governed in the formation of their opinions in regard to the validity of this Treaty by the official dignity of the several respective signers, to state a few facts which I derive from an official communication from Gen. Dearborn to Gov. Everett of Massachusetts. Well, sir, I find this Seneca tribe has eight great *Sachems* who are also Chiefs. This title of *Sachem* is the highest rank known to the tribe, and the office is hereditary, besides partakes of all the dignity of royal blood, and ancient family aristocracy. Gen. Dearborn gives the names of the eight Sachems of the tribe at the time of the signing of the Treaty, and then adds: “Six out of eight of these Sachems signed the Treaty.” And that half of them are *Christians*, and the others *Pagans*. That an actual majority of the Seneca Chiefs have assented to the amended Treaty seems no longer to admit of a doubt. The official and personal standing of Mr. Gillett and Gen. Dearborn, who have certified to the fact, settles that question. I consider this question heretofore settled by the action of the Senate.

In respect to the mode of the assent of the Chiefs, I consider that altogether immaterial. The fact of assent is wholly a matter of evidence, and, in the present case, that evidence is, to my mind, entirely satisfactory. That the Chiefs who have subscribed to this Treaty did so voluntarily and understandingly is attested by Gen. Dearborn and Mr. Gillett, whose testimony is unimpeached, and, as I understand and believe, unimpeachable.

I doubt, sir, whether the whole history of our country will afford more than one instance of an Indian treaty which will bear the test of comparison with this much-abused Treaty for fairness, liberality, honest negotiation, and requirements approaching to similar transactions when conducted by equals of civilized nations. (My exception, of course, is the Cherokee Treaty of 1835.)

But, sir, I would emphatically ask, what has been the history of our Indian treaties generally from the first discovery of this country up to the present day? When and where have we required that more than a majority of the Indian Chiefs should sign a treaty in open council, to give it validity? When and where have we required higher evidence than that of Gen. Dearborn and Mr. Gillett, in respect to the number, character and authority of Indian chiefship to form a treaty?

The history and origin of Indian treaty-making on this continent, down to the present time, I consider one of the most unpleasant, if not painful, recollections of the high-minded, honorable American citizen. In the early settlement of the country, our ancestors effected by artifice in the form of Indian treaties what they were unable then to effect by force. This treaty-making system, originating in physical weakness, pretended to do nothing in acquiring the Indian lands except by obtaining the voluntary assent of the Indians. Yes, sir; even under the government of that good man, William Penn, we find in the same statute which made it a crime for any citizen to furnish an Indian with intoxicating drink of any kind, nevertheless, that statute allowed the Commissioner of the Government to administer a prudent portion of intoxicating drink to Indians, when assembled to form a treaty for lands.

But, sir, I will forbear from entering further upon the history of our Indian treaties. I cannot allow myself to pursue a subject so little calculated to elevate the character of my country. But this much I will say: If any gentleman will bestow the time and labor which I have done in investigating this subject, he will rise from the task fully satisfied that this Treaty is one amongst the most fair and honorable transactions of the kind which is to be found in our recorded history as a people. I assert, sir, that many Indian treaties have been obtained, ratified, and carried into effect that were never signed by a majority of the Chiefs in open council.

Indeed, sir, with all my dislike to Indian treaties—because

they carry on their face forms which are not justified by the facts—yet I am not disposed at this ripe stage of our progress in negotiating such treaties with the Indians to insist upon unreasonable requirements which are new and extraordinary, for the express purpose of defeating the objects of this particular Treaty, admitted to be exceedingly advantageous to all the parties in interest, and especially so to the Indian people themselves, whose benefit we wish to promote by this Treaty.

Sir, I have never been the direct agent to negotiate an Indian treaty. I have more than once had the offer of being honored with such commissions, but have always declined it. The official stations which I have from time to time occupied, for many years past, have frequently made it to be my duty to have much to do with carrying out and executing these treaties. This connection has caused me to reflect much upon the subject of these Indian treaties in all their various bearings. And the result upon my mind is a settled conviction that the several State Governments, as well as the Federal, have greatly erred in so long countenancing the policy introduced by our colonial ancestors from necessity. Now that the remnant Indian tribes in our respective limits and jurisdiction have become a conquered and subdued people, wholly dependent upon the will and power of those who have supplanted them, we have not, sir, even the poor plea of the tyrant—*necessity*—for adhering to the farcical forms of diplomacy, originating in causes, and under circumstances which no longer exist.

We should long since have supplied the place of Indian treaties by wise, liberal and judicious legislation.

Whenever the Indians, in point of fact, become subject to the control, legislation, and jurisdiction, of the Federal, or any one of the State Governments, it becomes the duty of such Government to exercise its right of governing all the population under its jurisdiction by direct, ordinary legislation, regardless of origin or complexion.

We should legislate for these unfortunate remnants of Indians in the same spirit of kindness and liberality that we would for the helpless and destitute minor and orphan whose only friend is the Government—and I trust that all the Governments of our country, both State and Federal, will ever be the refuge of the helpless and destitute.

These, sir, are my views of policy and duty in relation

to these remnant tribes, and upon these views I have acted for several years past, as far as circumstances would allow.

I would now ask, Mr. President, how can any Senator expect to put the negotiations of Indian treaties upon the principle and footing of similar transactions with civilized, foreign, enlightened nations?

Are not these Indians in a state of dependence and pupilage? Are we not in the place of parents and guardians to them? Shall we, then, overlook all the facts connected with the subject under consideration? Shall we imagine a state of things which we know has no existence? Has not the difficulty in regard to this Treaty been produced by interested white men? Is not every charge of fraud urged against this Treaty refuted by the fact of the liberal and beneficent terms of this instrument? A charge of fraud can scarcely be sustained against a transaction which confers great benefits on many and injury upon none.

But, sir, we have no complaints that this Treaty will injure the Indians, or any one else. Indeed, it is impossible that the Indians can sustain injury from this Treaty, because if they do not choose to emigrate under its provisions, they have the right secured to them of remaining where they are during life; and yet the ingenuity of designing white men has produced the impression upon the minds of many for whom I entertain the highest respect, in and out of this Senate, that there is something very alarming in the provisions of this Treaty. The whole alarm and danger apprehended by those who oppose this Treaty seems to be based upon the doubt whether it has fairly received the assent of a majority of the Chiefs of the Seneca tribe, and the great importance which they seem to attach to these Chiefs' making their *cross-marks* to the Treaty in what is called *open council*. These are the questions which preplex the judicial minds of statesmen and American Senators.

Under the existing circumstances of these poor, perishing Indians, and with a view to the history of Indian treaties, which I have heretofore adverted to, I am entirely relieved from all these vexatious and trying perplexities. Moreover, Mr. President, I have no doubt in regard to the assent of a majority of the Seneca Chiefs having been fairly obtained to this Treaty; and the Senate of the United States settled the question on the 11th of June, 1838, when they ratified the Treaty. It was the action of the Senate upon the Treaty, as a treaty, and as the act of the Seneca Nation of Indians. The Senate must have viewed the instrument, as executed

by a majority of the nation, or else have considered a majority not necessary for the purpose of making a valid Treaty. Is it to be believed that the President of the United States, Gov. Everett, Gen. Dearborn, Mr. Gillett, and various other public functionaries, who have had an agency in bringing this instrument before the Senate for confirmation, would have said and done all that we find in these documents before us, and which we have in our hands, if they entertained opinions adverse to the fairness and validity of this Treaty?

No, sir, this Treaty would never have reached this Senate if these public functionaries had considered it liable to the formidable objections which we have heard advanced on this floor. Mr. President, much as I have said on this subject, I have greatly abridged what I would have said but for the confidence which I feel in both the ability and disposition of both the Senators from New York to supply all my omissions on this subject.

Allow me, sir, once more, in the conclusion of my remarks, to advert to the bearing of this question pending before the Senate, on the destiny and lasting interest of this remnant of the aboriginal race.

To me, sir, these people are a peculiar, interesting portion of the human family. I consider them human beings; I wish to treat them as such.

I cannot, in my conscience, assign them a place half way between man and beast. I wish to save them from destruction. Hence, I urge their speedy removal from the degrading and demoralizing situation in which we now find them. Their unrestrained intercourse with the licentious portion of the populous cities and villages by which they are surrounded is prejudicial alike to the Indian and white population. Deprived as these people are of the right to acquire and hold property in severalty, they are destitute of those incentives to industry and frugality which animate and reward every white man in our happy country.

Being debarred all political rights, they naturally consider themselves a proscribed and debased race; and the individual exceptions of worth and intelligence amongst them, while it seems to evince their capacity for improvement under more favorable circumstances, and to become a civilized people, will not, however, shield them from becoming a nation of vagabonds and paupers in their present abodes.

During forty years, they have made no perceptible advance in the arts of civilized life, so that it is impossible

longer to resist the conviction that their preservation from increasing misery and ultimate extinction can alone be found in their separation from the white population, and by conferring on them those rights and privileges which in all countries where they are enjoyed, have been gradually found to lead to civilization, and to prepare the way for the introduction of Christianity, with all its happy influences. It is a striking and most important fact, which I have observed amongst various Indian tribes since I have advocated the emigration of the Indians to the West, that the best educated, the most moral and intelligent who are inclined to embrace and have embraced Christianity, the most sober, industrious and thriving, are generally the friends and advocates of emigration; and it is as uniformly resisted by the ambitious and selfish leaders who carry in their train the most ignorant and degraded, and those who are least capable of appreciating the advantages of civilization.

In connection with the best interest of these Indians, Mr. President, let us also bear in mind the important interest which the State of New York has in this question. True, New York is already great and prosperous; the Empire State of the Confederacy; but, sir, may we not all rejoice at her increasing strength and prosperity? Are we not all Americans? Do we not all belong to the same confederacy of sovereign States? Are we not members of the same great family? Shall we, then, in being co-workers together, endeavor to promote the interest of each and all the States? And, still further, sir, shall we forget that the great interest of all the States requires that the country now occupied by these unfortunate Indians should be densely populated by good white citizens?

The geographical situation of the country or territory now in question requires its settlement in aid of the defense and strength of our common country.

But, sir, I will not detain the Senate longer upon the subject of this Treaty. I think that what I have said will induce those who have not already done so to examine and investigate this subject carefully. And, sir, overwhelming as the opposition to this Treaty has appeared to be, yet if it can have a full and fair investigation, by this enlightened Senate, I still indulge the hope that impressions not well based may give way to the force of evidence and reflection, and that this Treaty may yet receive the expression of the Senators' approbation.

I have the satisfaction to state that my labor was not in vain, upon the subject of the Senate's sanction to this New York Treaty. When the final vote was taken in the Senate, by yeas and nays, there was a tie, an equal division of the Senate.

Whereupon Col. Richard M. Johnson, then presiding as Vice President of the United States, gave his vote in favor of reversing the report of the Committee on Indian Affairs, and in favor of confirming the Treaty. Accordingly, the Treaty was agreed to, and sustained, and, with it, my views on the subject, as presented in the foregoing speech.

CHAPTER XVIII.

Before taking my final leave of this Indian subject, I must seek the indulgence of the reader to bear with me patiently while I add one more *addendum* in the nature of an apology for having said so much on this subject.

I admit that I have already been guilty of seeming tautology, and very frequent repetitions of the same ideas and arguments; but the nature of the subject, from its long continued controversy and my connection with it in so many different and important official stations, produces this seeming redundancy in what I have written.

My correspondence and speeches which I have given plainly show that I met with, and had to encounter, attacks from various quarters when in different official positions, and consequently my policy and measures all tending to support the same principles; my reasoning and arguments wear something of the appearance of sameness.

In a long protracted war, over many fields of battle, in reporting the incidents of each encounter, we are necessarily compelled, in the details, to maintain the verbiage suited to the subject in every report.

My views and plans in connection with Indian affairs were first developed when a member of Congress, in the year 1827, and, for four years in that body, those views were constantly urged and pressed, and, I may add, with great success.

During this time provision was made for emigrating and colonizing the whole of the remnant tribes of the Indians then remaining in the States to the west of the Mississippi. But notwithstanding the liberal provision made by Congress for the removal and comfortable settlement of the Indians in the West, the Cherokees of Georgia, influenced by John Ross and bad white men, were generally opposed to emigration, when, in 1831, I was called to the Chief Magistracy of Georgia, by the unsolicited voice of the people of the State, with a special view to the then existing Indian relations of the State, and I remained in that office (by a second election) for four years. And during that time my views and policy in relation to the Indian affairs of the State were, in the

main, sustained by a majority of both branches of the Legislature.

And while I solemnly aver, before God and man, that my whole policy in connection with these Indian affairs originated and was prosecuted with a view to the promotion of the best interest and permanent welfare of the Cherokee people, as well as the white population, I admit that I assumed ground and pressed forward in my plans of opposition imperative in their nature towards the Indians. And although violently opposed, at home and abroad, not a month passed which did not carry with it evidence of ultimate success in all my measures.

I admit that it was the policy of my measures to legislate the Cherokees into a peaceful willingness to leave the States, and avoid that gradual destruction which was daily consuming them and their substance, while they remained in the States of Georgia, Alabama, Tennessee and North Carolina. And finally they yielded to my views, most of them with great cheerfulness, and strong hopes of an improved condition. And all this was effected without war or bloodshed, but not without much controversy, toil, and labor on my part.

After my executive labors had resulted in the New Echota Treaty of 1835, as Commissioner of the United States in executing that Treaty, I had to encounter the opposition of Ross and his followers and *stipendiaries*. After which, I was transferred, by the public voice of Georgia from my Commissionership to the Senate of the United States, to meet the efforts of Ross and party politicians who were at Washington, striving to prevent the emigration of the remaining Cherokees under the beneficent and liberal provisions of the New Echota Treaty.

The careful and patient reader will find in what I have recorded for his information and that of posterity, that the foregoing references to the official stations which I occupied for twelve successive years necessarily forced me in different positions to occupy again and again the very same ground, with such variations only as the different positions required.

I first fought the great Indian battle on emigration in the House of Representatives, in Congress, in the years 1827, 1828, 1829 and 1830-31; then in the Executive Office of Georgia, in the years 1831, 1832, 1833, 1834-35; then as United States Commissioner, in 1836 and part of 1837; and then in the Senate of the United States, commencing in 1837, and ending in 1841. I was, throughout these years

constantly defending the policy of collecting the small remnants of the Indians then remaining in the States, and settling them in an excellent country provided for them to the west of the Mississippi, and outside of the limits of all the States and Territories of the Union; and to secure to these remnants, thus removed, a permanent, fee-simple title to the country of their adoption, and, if possible, to elevate them by all the arts of civilization and the religion of the Bible; and, finally, when prepared for such education, to admit them to a full participation in all the advantages of our great confederacy of States. And, to further this policy, and educate the character of our intercourse with these people, I, throughout the years referred to, in every station which I occupied, denounced the policy which had been so long adhered to by the Government of the United States of pretending and appearing to do nothing, except through negotiation, and the assent of these poor subdued remnant tribes.

I as constantly urged and advocated the honest, manly and benevolent policy of considering and acting towards these subdued remnants as children, orphans, the minors of our charge and care, and as justly entitled to all that parental regard and consideration of both the Federal and State Governments where these people still remained as if they were indeed, and in truth, bone of our bone and flesh of our flesh. And though my views were never avowedly and fully sustained by these Governments, in many instances, and to a great extent, they have prevailed, and have been acted upon; and greatly to the benefit and advantage of the aboriginal race.

In magnanimity and liberality towards the Indians, no man has surpassed me. And to the records of the country I appeal for testimony for the verification of this my assertion.

The policy of my political opponents in Georgia widely differed from mine throughout the struggles of the twelve years hereinbefore alluded to.

First, they considered me in haste and premature in introducing my emigration policy in Congress in 1827. Moreover, they said it was a subject of too great importance and magnitude for a man of my talents. They said it was attempting more than the great Troup had accomplished in relieving Georgia from the Creek Indians. And my opponents in Georgia came to my relief only as they saw success attend my efforts.

When I became Governor of Georgia, and recommended the immediate survey and occupancy of the whole of the Cherokee lands, reserving to the Indians their improvements, with a sufficiency of land to sustain them, my opponents in politics agreed with my immediate predecessor, Gov. Gilmer, that it was altogether wrong to proceed to the survey and occupancy of the country until the consent of Mr. Ross and his followers should be obtained by a good, old-fashioned treaty (which everybody had reason to believe could never be done), and then survey and settle the country. Moreover, they declared that I was pursuing a policy which would produce an Indian war and disgrace the State.

And after the country was surveyed and settled by a white freehold population, and the Indians left in the occupancy of their improved lands through a combination of *feed* lawyers, sustained by pliant judges and political partisans, the laws of Georgia in relation to these Cherokee affairs were declared to be unconstitutional, and, by every art and device of pettifogging, the execution of the laws of the State was often impeded, and great exertions made to *nullify* them, producing much strife and confusion, and encouraging the poor Indians to many acts of indiscretion. I, therefore, found it necessary, in my annual message to the Legislature in 1834 to strike fearlessly and boldly at this combination of selfish men, whether official or unofficial. This produced the desired effect. The Legislature and the people sustained my recommendations, and this combination was legislated into silence and insignificance. And then, and not till then, the Cherokees entered into the Treaty of New Echota of 1835.

While all these important matters were transpiring and in progress, I was the prominent and unceasing subject of misrepresentation and abuse by a powerful and talented political party, at home and abroad. And it was not only the newspapers of the day that were levelled against me, but I was often assailed and misrepresented in religious newspapers, in magazines, pamphlets, and books written especially on this Indian subject. These efforts, together with the tens of thousands of petitions and memorials, sent to both branches of Congress, made a false impression on a large portion of the public mind throughout the country in regard to my every official act in connection with this subject, as well as against all those who supported and sustained me.

And believing as I do that this immense mass of published matter, disseminated throughout the country, has, to

some extent, left a false impression on the public mind, as I have often seen evinced by articles in various forms, of a more recent date, I have, therefore, and for these reasons, taken upon myself the heavy and arduous labor, in my old age, of compiling this immense mass of official matter, mostly in consecutive order, as all the means within the reach of posterity to correct the errors which have been widely propagated on this subject, as well as to check the errors which may hereafter go forth to the world on this subject.

I am unwilling to go down to the grave with the impression resting on any portion of the public mind that my life and labors have been prejudicial to any portion of the human family, of whatever complexion or origin they may happen to be. It has been my desire, from early youth up to this day, that at the close of my earthly pilgrimage it might be said of me, in truth: "*He served his generation with fidelity.*"

A recent occurrence has greatly stimulated me to press forward in this massive compilation of my official connection with these Indian affairs.

It is known to the public of Georgia, at least, that the Rev. George White, of this state, a few years ago compiled and published a book, entitled, "White's Statistics of Georgia."

My acquaintance with this reverend author commenced when he was engaged in collecting material for his statistical work. Considering his effort laudable, I commended and encouraged it. And the book, although not free from inaccuracies and errors, has received a large share of public approbation and patronage, and has been useful to the public.

The author, encouraged by this first effort of the kind, determined to publish a second volume, in the nature, I believe, (though I may be mistaken), of an improved edition of his first work.

Something over twelve months past, Mr. White requested me to prepare an article for his book on the subject of the Georgia controversy with the Cherokee Indians. I promptly declined the service proposed: First, because justice could not be done to such a subject in so limited an article as the one proposed, and, secondly, to have prepared an article in the nature of a review of that controversy, if guided by historical facts and official documents, I should necessarily be led to speak of myself and others in a manner that would not suit the object of Mr. White's book—that is, to make his book agreeable to everybody and offensive to none—in

doing which it would become necessary to avoid unpleasant truths, no matter how important to the subject.

However, it afforded me pleasure to furnish him with various public printed documents, intimately connected with the subject of his proposed article, with the understanding that he desired to submit his article, before publication, to my examination and correction in regard to facts. I heard nothing further on the subject of his Indian article, until some time in the month of July last, when I received a kind and flattering note from the gentleman, accompanied by his Indian article, in manuscript, containing thirty-three pages, with a request that I would examine his article, and make such corrections and modifications as I might deem proper and requisite to perfecting the article. I very deliberately read, and re-read, the article which he had prepared, and was forced to the conclusion at once that the article was an *entire failure*, inappropriate and improper for such a work. And, without loss of time, I communicated to Mr. White, in kindness but with frankness and candor, my views in regard to his article (a copy of which letter I will give to the reader at the close of this article). In a perfectly kind spirit, Mr. White thanked me for my candor, and appointed a time to visit me, and remain in my office until he could remodel his article so as to meet my approbation. I immediately invited him to make my house his headquarters, and to be assured that it would afford me pleasure to render any service in my power. However, he entirely failed to make the promised visit, and proceeded to New York, to superintend the publication of his book, and from there requested me, by letter, to take full liberty in modifying his article, and then send it on to him, at New York. I entirely declined attempting any improvement or modification of his article, but immediately forwarded him his manuscripts as I had received them (accompanied by a letter which I will give the reader at the close of this article). Whereupon he wrote me again, and again returned the manuscripts, with sundry mutilations which he had made and still urging me to lend a helping hand in modifying his article.

I immediately returned him his papers, by the first mail—without any further communication from me.

It will be readily conceded by any sensible person that it is impracticable to remodel an article which is entirely destitute of the most material matter connected with the subject under consideration.

In his last letter which I have received, he intimates

some intention of declining the publication of his Indian article, and here the matter rests for the present. I suppose by this time (middle of October, 1853) his book is out of the press. Whether his Indian article is embraced in his book or not I am not prepared to say. And whether it be, or not, is a matter of no concern to me.

It is true such articles will mislead many uninformed, honest people; but persons of research and general intelligence will from time to time rise up in our progressive country, and bring to light the important truths of history, especially where the official records of the country are open and free for the examination of the competent historian.

I should by no means have deemed it necessary, in this place, to have taken such an extensive notice of the literary career of the Rev. Mr. White but for the fact that I am fully aware that with all his good intentions, his credulity is such that he is liable to be greatly mislead by selfish and designing men.

Sketches of biography is a favorite class of reading to people who read but little; and Mr. White's works abound with sketches of men more or less distinguished—hence the temptation to individuals and their special admirers to show off and shine in such works as Mr. White's.

The man who feels that his biographical fame will end with the puffs received in ephemeral works is always more anxious to receive those posthumous notices than men whose biographies are already written on the official records of the country. To place the reader on his guard, I will only add that Mr. White's "Statistics of Georgia" affords sufficient evidence of the undue influence of living individuals to take to themselves those things which belong to *Cæsar*.

Here follow the two letters which I have promised to lay before the reader, written by me to the Rev. George White on the subject of an article written by him, and intended to be inserted in his new book of 1853. His article was submitted to me for correction, but, after examining it, I deemed it so inappropriate and calculated to mislead and pervert, rather than to enlighten, that I declined having any connection with the article, under the impression that he wholly misconceived himself the merits and importance of the subject upon which he undertook to compile and write.

Athens, July 25th, 1853.

To the Rev. George White,
Marietta, Ga.

Dear Sir:—I thank you for the opportunity which you have afforded me for the perusal of your article on Cherokee affairs, intended for publication, in a permanent form, in your forthcoming book.

While I duly appreciate your laudable efforts to collect and publish facts in the enlightenment of the people, and the perpetuation of historical truth, friendship, frankness and regard for my own character, force me to say that I consider your present effort, in this article, a *decided failure*. I will modify this sentence, however, by adding that no man can do justice to such a subject in so brief an article as you have prepared, especially when arranged on your plan of compiling extracts from voluminous documents.

Your article entirely fails to keep up the consecutive chain of events connected with the true history of the subject, as may be readily seen from the official records of the country.

Your selections from documents are very unimportant, in most cases, when compared with the more important events connected with your subject. Upon the whole, I consider your extracts so arranged as to be well calculated to mislead, instead of instructing, your readers. Your article, to my mind, increases the cloud and fog which already hangs over the history of Georgia, in connection with her Indian affairs—a cloud which only requires the whole truth, plainly set forth, to banish forever the prejudices which now exist against the fair fame of the history of Georgia, in connection with her Indian affairs.

However, you will be governed by your own judgment, and the advice of more competent friends than myself, in regard to the merits and publication of your article.

I must, however, claim the favor of you to exclude my name entirely from your Cherokee article; for, if in the land of the living, I could never see such an article, go to the public and remain silent. Tens of thousands are yet numbered with the living who would rise up and call for the records of the country to refute the impressions made by your article.

In 1827, 1828, 1829 and 1830-31, I was a member of the House of Representatives, in Congress, from Georgia, and in 1830 I was again elected a member of the next succeeding Congress; but before I entered upon the duties of the last

named election, public opinion in Georgia forced me, reluctantly on my part, to resign my seat in Congress, and enter upon the duties of the Chief Magistracy of the State; and by re-election a second time I continued in that office four years, and very shortly after the close of my last executive administration the Treaty of 1835 was concluded with the Cherokee Indians. The then state and condition of the Cherokees called for many provisions in that Treaty which required much skill and a familiar knowledge of all their complicated affairs to carry that Treaty fully into effect, in securing the individual rights of the Indians. Therefore, the Treaty provided for the appointment of two Commissioners by the President of the United States, by and with the advice and consent of the Senate, to attend to the settlement of all the affairs of the Cherokee people, and see that the Treaty was faithfully executed.

Gov. Carroll, of Tennessee, and myself received the appointment of Commissioners, as aforesaid, in the fore part of the year 1836.

The appointment on my part was unexpected, and unsought; but Gen. Jackson, in a private letter to me accompanying my commission and instructions, was pleased to say that his only apology for urging me to this arduous and exposing labor was that he knew of none so well qualified for the duty as myself, because of my intimate knowledge of all the matters in charge, and my long and persevering struggles in bringing about this long sought consummation. I spent about eighteen months in this service, as Commissioner, in the midst of the Cherokee people, and in settling and adjusting all their affairs, in terms of the Treaty, preparatory to their removal to the West. Indeed thousands of them had already gone before I left this service.

During these eighteen months I had visited almost every town and village in the whole Cherokee country, and had, perhaps, formed a more general personal acquaintance with the Cherokee people than any white man had ever done before. My object in this intercourse was to prepare their minds, and reconcile the opposing party to their speedy removal to the West, which I knew must soon follow, in fulfilment of the provisions of the Treaty.

All the most hazardous and difficult parts of this business having been completed, and John Ross and some of his principal followers, assisted by their white friends in and out of Georgia, having repaired to Washington, for the

purpose of memorializing Congress, and attempting some new treaty arrangement, by which some delay in the removal of the Indians might be obtained, and, as I believe, mainly for the purpose of obtaining an additional sum of money for the special use of Ross and his particular friends and associates; under this state of things, the Legislature of Georgia, in November, 1837, elected me to the Senate of the United States; and thus it became my duty to resign my Commissionership and repair to Washington without delay.

The President of the United States and Secretary of War consulted me daily on all matters relating to the then posture of Cherokee affairs.

I communicated with them without reserve, and found that the same spirit pervaded the councils of the Cabinet at Washington which had manifested itself from the commencement of Mr. Van Buren's administration, to wit: They were resolved to carry into full effect the Cherokee Treaty of 1835, but, at the same time, if possible, to conciliate Ross and his party by placing within the control of Ross, as emigrating agent of his Indians, a very large amount of the public funds, and thus enable Ross and his friends to enrich themselves from the public chest.

From the beginning, as my official correspondence will fully demonstrate, I believed it to be wrong in principle and policy for the Government to make any further attempt, after the Treaty of 1835, to conciliate Ross and his party. I believed that the cup of conciliation was exhausted, as to Ross, and that the time had fully arrived when it was the duty of the Government to assume the imperative tone with Ross, and say to him: "The Treaty is unbounded in its magnanimity and liberality to the Cherokee people, and that it *must* and *shall* be executed, in all its parts, and that you (Ross) are no longer entitled to any public consideration by the Government."

I still believe that, if my advice had been adhered to, it would have been the greatest of all blessings to the Cherokee people, and would have prevented the subsequent murders of the best men of the country—the Ridges, Boudinot and others.

But, finally, with a view of hastening the departure of the Cherokees from Georgia, and to prevent further strife and apprehension of danger, I reluctantly assented to the Government arrangement with Ross. That was for him to emigrate his own party of Indians, and to receive a

compensation for that service so liberal as to enable him to make an independent fortune for himself out of this Government contract. Gen. Scott was already in the field, with an adequate force to maintain the peace, and guard all the parties in interest; and thus, soon after, the Treaty was consummated by the removal of the Indians, and the strifes and heart-burnings of Georgia in regard to Indians put to final rest.

Now, my dear sir, you may perceive from this hasty and brief narrative, every word of which is fully sustained by the records of the country, that for twelve years, commencing with the close of our Creek difficulties, in 1827, I was placed in the lead upon every important measure connected with our Cherokee difficulties. I was the first in Congress to introduce, urge, and sustain the emigration policy by appropriate legislation to the final consummation of that branch of the subject. From Congress, I was transferred, by the voice of the people of Georgia, to the Chief Magistracy of the State, where, after four years' unceasing labor, in the face of a most powerful and talented party opposition, I left that office with the work so far completed, and the opposition silenced, that the Treaty with the Cherokees was immediately concluded. I was then, by President Jackson, invited to the arduous work of executing and carrying out the provisions of the Treaty. The important parts of that work being completed, I was called to the Senate of the United States to aid in putting the capstone on the work of many years' toil.

Now, sir, the twelve years to which I have hereinbefore alluded will be found to embrace most of the severe trials of Georgia in relation to Cherokee affairs. And, sir, you must perceive the increasing confidence of the people of Georgia in your very humble servant, and that it went to an extent that it was constantly transferring me from one place to another, wherever the heat of battle raged, and the point of danger was apprehended.

The opposing newspapers of that day said all that was possible to be said by a violent party press to detract from my merit as a public man, and to pervert my every act. But I was fully sustained by public opinion, at home and abroad, and retired from the Senate of the United States with the approbation and greetings of my countrymen generally. These twelve years to which I have alluded was the great crisis in the political history of Georgia which settled her last Indian and territorial conflicts, and the record of

my official acts, including my official correspondence, is spread over thousands of pages.

It is my duty to myself and to my country to see that these pages are handed down to posterity, without mutilation.

I have to request, once more, my dear sir, that you will leave my humble name out of your Cherokee article; and if you really wish the country to know my connection with that subject, please to let official records speak for themselves, by inserting after your Indian article, my speech in Congress in January, 1830, on this Indian subject, and my first message to the Legislature of Georgia, on the same subject, in 1837, and my speech in the Senate of the United States, in reply to Senator Preston, in 1838. I recollect to have furnished you with all these documents, in printed and pamphlet form.

In great haste, I remain, respectfully yrs.,

WILSON LUMPKIN.

Athens, Ga., August 25th, 1853.

To the Rev. George White,

New York.

Dear Sir:—I am in receipt of your letter of the 17th inst., which apprises me of the change which has taken place in your arrangements (as communicated to me in your letter of the 28th of July last), in regard to visiting and conferring with me on the subject of your Cherokee article. I had taken much pains to prepare as far as possible to lay before you every important item of information connected with the subject of your article; but, while it would have afforded me pleasure to have been useful to you in this matter, my services were not tendered unsought, and I am, therefore, not disposed to complain, when they are declined. Upon this whole subject you and myself occupy entirely different positions; and, therefore, we find it impracticable to harmonize, when writing for the public, on the subject.

You say, in your letter to me of the 17th inst., that you do not wish your readers to know your opinions on the points at issue, in the controversy between Georgia and the Cherokee Indians.

Now, sir, my opinions on all subjects of conflict and controversy through which Georgia has passed for the last thirty years in connection with her Indian relations have

long since been officially known, and widely spread on the records of the country.

I have spent the prime of my life in vindicating the Indian policy of Georgia. I have often said, and now most conscientiously believe, that no State in our widely extended confederacy has acted with equal magnanimity and liberality to her Indian population as Georgia has. And if Georgia has at any time appeared to act with rigor and harshness towards the Indians, having the appearance of a want of humanity, it will, in every instance, upon due examination, be found that those acts were forced upon her by the improper conduct and bad faith of the Federal Government, or by the wicked and insolent impertinent intimidating of strangers and foreigners. Her Indian population (although now removed from her borders) are at this day more numerous, more prosperous, further advanced in civilization, and in a far better condition in every respect than the Indians of any or the whole of the rest of the States of the Union. Moreover, this prosperity commenced, and its broad foundations were laid, and its structure greatly advanced, while these Indians remained in Georgia.

Notwithstanding all this, volume upon volume (if all was put in volume form) has been written and published to degrade and cast odium upon the character of Georgia, for the injustice and cruelty of her Indian policy.

Under these circumstances, I desire the publication of the as yet unpublished portion (in the form of books) of Georgia's official actings and doings in connection with her past Indian affairs. This would be her triumphant vindication against the old State slanders which have appeared from time to time in Northern publications.

And in your Indian article we find several extracts from these Northern publications, which you dignify with the title of facts, to wit: Your long extract from the bill of injunction so plausibly drawn up by Messrs. Sergeant and Wirt, to restrain the State of Georgia from exercising her constitutional jurisdiction over the Cherokee Indians within her jurisdictional limits. The ignorant and uninformed reader of your book will be greatly misled and biased against Georgia by reading the plausible contents of such legal perversion of plain truth. The extracts which you give in connection with this part of your subject is nothing more nor less than the ablest legal arguments which could be fabricated with a view to the condemnation of Georgia.

My first message to the Legislature of Georgia on this

subject, *given in full*, and to which you but briefly refer, would be a sufficient refutation to the baneful influence of your extracts herein referred to. And let me ask you, should not the antidote accompany the poisonous draught?

In regard to the missionary cases, the whole history may be correctly given, in very few words, sustained by the executive records of the State, without the aid of Northern publications, or perversions of truth.

Under the laws of Georgia, these missionaries were convicted and sentenced to confinement in the penitentiary for refusing to yield obedience to the laws of the State. The Governors of Georgia regretted the wilful obstinacy of these men, and always openly declared their readiness to pardon and set these men at liberty, whenever they would yield a compliance to the laws of the State, and respectfully ask for executive clemency; and this determination was strictly adhered to in every instance.

Sir, I do not call every party newspaper statement *la fact*; nor do I care to examine the minutes of the Missionary Boards, in connection with this Indian subject; nor do I consider extracts taken from the proceedings of Indian Councils and talks of Commissioners appointed to negotiate Indian treaties suitable material to compose the prominent part of a select article in a Georgia book, designed to enlighten the people in regard to the past history of the State on Indian affairs. It is true it gives a compiler but little trouble upon this Cherokee subject to make extracts from Northern compilations condemnatory of Georgia in regard to her Indian policy; but the compilation and proper arrangement of the abundant material which exists, and which would exonerate Georgia above the slander and censure which had been unjustly heaped upon her in regard to her Indian policy is a work which is yet to be performed.

The position in which you have placed me forces me to say that I consider your article, as it now stands arranged, and composed as it is chiefly of extracts from the pens of writers deeply prejudiced against and adverse to the true interest of Georgia, tends to do injustice and injury to the welfare and character of our State.

I view your article rather in the nature of a supplement to the Northern publications on this Indian subject which have heretofore been placed in the hands of our people. My pamphlet speech, made in the House of Representatives in January, 1830 (and with a copy of which I furnished you) contains more of the truths of history on this Indian subject

than can be found in any volume yet published on the subject.

You will please to not misunderstand me. I make no pretensions to literary or oratorical distinction, but I do claim to have given facts, and to have arranged them so as to be easily understood—this is all I claim for the speech referred to.

It is true, as stated in your Cherokee article, that the farce of pretending to impeach Judge Hooper ended at the point which you have suggested, *in nothing*. Yet it is a very important fact, and one which you have omitted, that the conduct of Judge Hooper, as presented by the Governor and commented on in his message to which you have referred, caused the Legislature to pass a law which clearly evinced their condemnation of the conduct of the Judge, and their approval and support of the views of the Governor. The law alluded to most effectually paralyzed the efforts of the combination of lawyers who had been engaged in thwarting and overturning the laws of the State, and contributed mainly in bringing about the subsequent Treaty with the Cherokee Indians, their lawyers and judges having been legislated into insignificance and silence. I refer you to the legislation of that session, 1834. As you state in your article, I introduced the subject of Indian emigration to the attention of Congress in the year 1827, but, in regard to the progress on that subject, you labor under some confusion of ideas and misapprehension.

I will give you a very brief statement of the progress in that matter:

My resolution was referred to the Committee on Indian Affairs, of which I was a member, as you state. The bill reported to the House at that session by the Indian Committee (not by me individually, but through my agency and influence) provided for the appointment of Commissioners by the President of the United States to search out and find a suitable country to the west of the Mississippi, for the emigration of all the remnant tribes of Indians then residing in any of the States and Territories of the United States, and to make their report to the President to be laid before the next session of Congress. The bill also appropriated \$15,000 for the purposes above named. This bill received violent opposition, but was passed at the same session that I introduced the subject. In conformity with the provisions of said act, Commissioners were appointed, discharged their duty and reported very favorably in regard to the country, &c.

In 1829 provision having been made for the emigration of the remnant tribes generally, by the procurement of a suitable country, the Committee on Indian Affairs made a lengthy and detailed report upon Indian affairs and policy, generally, in which they strongly recommended the emigration plan, together with a bill appropriating \$500,000, to defray the expense of any and all Indians on the east side of the Mississippi to that of the west. And, after a violent and powerful opposition, this bill finally passed in 1830; and it was under the provisions of this bill that the Government of Georgia, aided by the Federal Government, used every exertion to induce the Cherokee Indians to emigrate to the West. The success, however, was but very partial.

Nevertheless, these efforts convinced the Ridges and Boudinot and a large majority of the most intelligent men of the Cherokees that their only hope of prosperity and salvation was to be found in emigration to the West, and this induced them to enter into the Treaty of 1835, in opposition to Ross and his ignorant followers.

It was while these efforts were making to induce the Cherokees to emigrate that the literary pursuits of the celebrated John Howard Payne led him to visit the Cherokee people and country and he was known to be strongly opposed to the views of the Government in regard to Indian emigration, and this led to his arrest, by Col. Bishop, the State's agent. The arrest was both premature and illegal, but the impertinent intermeddling of Payne was very unbecoming a stranger, a gentleman, or an author professedly collecting facts for history. He was the partisan, if not the agent, of Northern fanatics, whose avocation is to repent for the sins of everybody except themselves.

What would you think of a man who should attempt to compile history and biography from the partisan political newspapers of the present day?

Should all his extracts be strictly correct that are copied word for word from his author, yet his author grossly incorrect—would the compiler and publisher be free from error? Is a historian justifiable to select and publish portions of truth which will make a very different impression upon the minds of his readers to that which would be made if the whole of the truth which was pertinent to the subject should be published?

In conclusion, I again repeat, I wish it to be known everywhere that in regard to this Indian subject I am by no means *neutral* I am on the side of Georgia. I have

prominently advocated the leading measures of her Indian policy. I believed at the time, and I believe yet, that her policy for which she has been most censured was wise, humane and philanthropic towards the Indians.

To the vigorous policy of Georgia in hastening the removal of the Cherokees, and which was violently opposed at every step, do that people owe their present tranquil enjoyments and future prospects of advancement and success.

If the policy of their leader, Ross, and his Northern fanatical friends could have prevailed, before this day they would chiefly have perished from the face of the earth.

But it is useless for me to dwell further on this subject. I feel that I have discharged my duty to you, as well as the country, touching this matter.

Respectfully, yr. obt. servt.,

WILSON LUMPKIN,
of Georgia.

Note.—It is proper to state that the two foregoing letters have been copied from my original drafts to Mr. White, and, therefore, may not be exact copies; but I am confident there is no material difference.

WILSON LUMPKIN.

*October 18th, 1853.

*White's "Historical Collections of Georgia" was published in 1854. In it there is a long chapter on "Difficulties with the Cherokees," in which Gov. Lumpkin's name is freely used, but whether his consent was finally obtained is not known.

CHAPTER XXI.

STATE OR WESTERN AND ATLANTIC RAILROAD

During my public employment as a member of Congress, as Governor of Georgia, Commissioner of the United States to execute the Cherokee Treaty of 1835, and as United States Senator in Congress, my positions necessarily afforded me the most favorable opportunities to become well-acquainted with the operations and working of both the Federal and State Governments; and these opportunities were improved to the greatest possible advantage that my ability afforded. During the whole period that I was passing through the various duties appertaining to these several positions, I was a watchful, vigilant working man—a close and laborious student. My time and mind were almost exclusively engrossed with the public affairs of the country, to the great neglect of my family and private interest.

And elaborately as I have already dwelt upon subjects connected with these several public positions, with a view of exhibiting in a true and unquestionable light the mode and manner in which I discharged my individual duties in these several official stations, yet I have by no means exhausted my resources upon any one of the subjects upon which I have dwelt; because I have from time to time preserved a great deal of the most important material connected with the political history of Georgia, as well as of the United States, or Federal Government, for the last fifty years. And should I be spared and blessed with my present good health a few years longer, it is my present intention to continue my sketches of the past, in a manner that will afford to the future historian an unerring index to many important truths which now lie obscured from public view.

Many things connected with the Federal Government during the administration of Mr. Van Buren, which my situation as Senator in Congress made me familiar with.

seems to be already forgotten, which I think ought to be brought to the light of day, and impressed upon the public mind; more especially on the minds of the people of the Southern States, especially the course and conduct of the two great political parties of the country at that period.

But, for the present, I will let what I have already written suffice, touching these matters, by simply stating that my Senatorial term expired with the close of Mr. Van Buren's administration, on the 4th of March, 1841; and I repaired to my beloved home and quietude (Athens, Georgia), now fully resolved to spend the balance of the days which might be allowed me free from the turmoils and strifes of political life and office. I felt that I had finished my public course, and that nothing but an imperious sense of duty should again draw me from my retirement.

And with but slight exceptions, I have adhered to and maintained my resolutions. Patriotism imperiously demanded whatever departures from the plan laid down for myself may hereafter be noted.

Near the close of the year 1841 was a time of general embarrassment throughout the whole country—greater, perhaps, than ever has been witnessed before, or since, in the United States, in regard to financial matters. From 1837 up to this time (1841) the total suspension of specie payments by most of the banks of the Union; the immense amount of debt contracted by many of the States, to carry forward their various schemes of internal improvements, as well as the indebtedness of private rail companies, and various other corporations, together with the individual debts of the country, seemed at this period to threaten universal bankruptcy and distress.

Georgia's great railroad project had then been in progress of construction, from the year 1837, upon a most liberal and magnificent scale of expenditure. At that date, the State had already expended about two and a half million dollars, and not a single mile of the road was finished and ready for use; indeed, not a mile of the superstructure of the road had been laid.

This vast amount of money had been expended, more or less, on the whole line of road, of 140 miles, and the policy of working upon the whole line at the same time, without finishing any part thereof, necessarily greatly increased and added to the expense of the work which had been accomplished; first, because this policy required a vastly increased corps of engineers, officers and agents, of

various kinds and grades, to superintend and carry on the work; and, secondly, the whole line of road, being located in a country not only far removed from the sea coast, and large navigable rivers, but in a rugged, new country, destitute almost of passable wagon roads. Hence the great expense and increased difficulty of transportation, and, of course, of building a road economically, under such circumstances.

In the locating of this road, great difficulties were necessarily encountered on account of the topography of the country, being a country of ridges and valleys, and some of the ridges rising to elevated mountain height. And the very recent settlement of the country by a civilized population caused the peculiar localities of the country to be but very little known and understood. Except to a very few persons, indeed, the topography of the country was a sealed book.

Taking all these circumstances into view, Col. Long, the Chief Engineer who located the road, certainly displayed much scientific skill and good judgment, mingled with a far-seeing forecast, highly creditable to his professional standing as an engineer. But truth requires me to say that from the beginning to the end of his official connection with this road I have not been able to discover a single trace of economical or financial skill. The value of money seems to have had but little influence on the mind or consideration of this highly respected gentleman. Under all the circumstances which I have suggested, when the Legislature of Georgia met, in the latter part of the year 1841, the State two and a half millions in debt; her credit below par, and constantly sinking; her Central, or State, Bank, ate out and exhausted to supply funds to carry on the road, until her bills were greatly depreciated, and no funds to redeem them; the prospective advantages and utility of the road to the people still far distant from realization, it was indeed a gloomy prospect to the friends of the State Road, and to railroads in general. Many of the good people of Georgia were really about this time disgusted with all railroad projects. They had seen much of the evil things attendant on building railroads, while they had scarcely tasted of the good things to be derived from them.

Many anxiously and honestly desired that the Legislature should sell out the State Road altogether, and wind up its affairs to the best attainable advantage.

But wiser and better counsels prevailed. The Legislature

determined to provide for the liquidation and settlement of the affairs of the State Road, and, as far as practicable, to ascertain the true standing of its affairs, and to curtail the expenditures on the road, and to put, if the means could be procured, fifty-two miles of the road into active operation; and, for that purpose, provided by law that the Governor should appoint a competent agent to attend to all and singular the affairs connected with the road, which had heretofore devolved on three Commissioners; and, further, that all existing contracts for work to be done on the road should be rescinded, if the consent of the contractors could be obtained, by payments being made for that portion of the work which was done on the several contracts, and authorized the dismissal from the public service of all *supernumeraries*, engineers, officers and agents then in the employ of the road, &c.

The foregoing provisions having been made by the Legislature, some time in the month of December, 1841, I very unexpectedly received a communication from Gov. McDonald, tendering to me the appointment of the agency provided for in the foregoing enactment of the Legislature. My impression was that it was a mere agency for disbursing public funds, and making settlements of all unsettled affairs appertaining to the road, &c., and that it only required a man of good business qualifications, and of integrity and probity of character, and capable of paying some general attention to all the various interests of the State connected with the road. I, therefore, without hesitancy, wrote Gov. McDonald a few lines, thanking him for the confidence reposed in me, but in absolute terms declining the office tendered, upon the ground that I had no desire for public employment, and that he could find many other citizens equally well qualified for the office, who would be pleased to receive it. I wrote this reply under the full impression that I should hear nothing further from the Governor on the subject. However, but a few days elapsed before I received a second and more extended communication from him, in which he informed me, more in detail, of the importance and responsibility of the office to which he had invited me, and of the great interest and honor of the State which was involved in the faithful discharge of the duties of that office. He magnified the importance of the proposed trust to an extent which caused me seriously to doubt whether I could justify myself in declining the appointment; for, strange as it may seem to others, I can say in truth that

from early boyhood I had a strong disposition to encounter great difficulties, if the work was laudable in itself, and a probability that extraordinary exertions might secure success. The Governor said in his second letter that although the office, by the terms in legislation used, did not seem to indicate anything more than a common agency, the performance of its duties required rare and superior qualifications, and was pleased to add that his best apology for wishing to press me into this service was that he knew of no one so well qualified to discharge its highly responsible and complicated duties.

Not having given myself the trouble to make myself fully acquainted with the affairs of the State Road for several years past, with any degree of precision, and not having the slightest expectation of ever again being officially connected with it, I confess this second letter of Gov. McDonald opened my eyes to the then critical condition of the affairs of the State in connection with the road, as well as the credit of the State, then rapidly sinking. Moreover, I perceived that it was the object of the Legislature to correct and reform existing errors and abuses, and maintain the character and credit of the State, and, if possible, sustain our great work of internal improvement.

Under these impressions, I answered Gov. McDonald's second letter by saying: "Christmas is at hand, and while my people are enjoying their holidays, I will visit you at the seat of Government, when I hope to have the opportunity of conferring with you, freely and fully, on the subject of the State Road, and the important affairs of our State generally.

Accordingly, I repaired to Milledgeville at the appointed time, and held a satisfactory conference with the Governor. I said to him: "Sir, the reformatations authorized and contemplated by the Legislature, for their success, must depend more upon the executive than all other officers and agents connected with the road, and the financial affairs of the State. The efficiency of the agency to which you invite me is wholly dependent on your aid." He replied: "I know that; but if you will accept the appointment, in all matters connected with your duties your opinions and judgment shall have a controlling influence with me. Engineers and officers are to be dismissed, and many changes made. The rescinding of contracts, and many other important matters connected with our financial affairs, will throw great responsibility on those who direct and manage the affairs of the

road during the next year. The salvation of the road itself depends upon it. If I had the aid of your services where you could personally look after, and attend to, and direct all these matters, I have great confidence that all would be well; and you may rest assured that your judgment, in all these matters, will be duly respected by me," &c.

Under the foregoing circumstances, as I have presented them, I accepted the agency of the management of the affairs of the State Road, called by the law disbursing agent, but in reality and practically clothed with a controlling power never before exercised by any officer, or officers, except that of Col. Long, in the first years of the progress of the road. Gov. McDonald, to be sure, manifested great confidence and respect in confiding to me so much power and control touching these matters, and leaving so much implicitly to my judgment and discretion. And I must admit that nothing short of this respect and confidence could have induced me to accept an appointment which I plainly foresaw was embarrassed by many of the most unpleasant duties, and which must be rigidly performed to secure the interest of the State.

I knew at the time that I accepted the appointment I was taking upon myself extraordinary responsibility. And, furthermore, I knew, and so did Gov. McDonald, that my acceptance of the office relieved him of responsibility in the same proportion that I assumed it. Neither of us was ignorant of the fact that I had sufficient character before the country to bear the entire responsibility of all my own acts at least; and that the Governor would rarely be censured for my acts in dismissing unworthy officers, and of exacting from persons the full and faithful discharge of every proper duty.

The details of the various duties which devolved on me in this office, and a presentation of the manner in which they were severally discharged, are of a character and nature, in many cases, that cannot be made interesting to the reader at this distance of time. And if I were prepared to give the details of every transaction minutely, as it actually occurred, it would only serve to develop a large share of the depravity of poor human nature. And it is not proper for me to give the names and defalcations of those who were dismissed from public trust and confidence, and of some who had been guilty of peculations in defrauding the State—which could be of no public utility, now that these transactions have passed from the minds of most persons. I, therefore, pass over all such unpleasant details.

Suffice it to say that a vast amount of public money was squandered on this State Road, for purposes worse than useless; and that the books and records of the railroad office, in regard to many of its financial affairs, have been kept in a manner, during its early stages of progress, that will forever render them unintelligible to the present or future generation.

I never, after examining the affairs of the road, would have accepted any agency in connection with its affairs but for the purpose of correcting existing abuses, and introducing salutary reforms, and thereby prevent the abandonment of the road and a sale of the same, before it was completed. Although I have always entertained doubts in regard to the expediency of States, or Governments, conducting and managing railroads and similar works, to the ultimate interest of the State and people, yet I was amongst the first in Georgia to suggest and urge the propriety of the State constructing a great State Road, from the Atlantic coast of Georgia to the Tennessee River, running diagonally through the entire State. And I was never for a moment disposed to leave so essential a work to the great interest of the State to the uncertainty of individual enterprise. That fine portion of the State west of the Chattahoochee, generally called Cherokee, in a very special manner imperiously demanded this great highway. The whole plan of this railroad was well matured in my mind in the year 1826, while taking a general reconnoissance of the State, with a view to entering on works of internal improvement, in company with Mr. Fulton, our first State Engineer, and before I commenced my systematic plan for the removal of the Cherokee Indians from Georgia, in the year 1827, in the House of Representatives, in the Congress of the United States. If I were censured and blamed for any of my official acts while conducting the affairs of the State Road, in 1842, because they were adverse to the public interest, it is unknown to me. As far as I do know, it was universally admitted that I discharged every duty which devolved on me with entire fidelity to the interest of the State. But I had never before occupied a public position which so often brought me into conflict with individual interest.

Upon my judgment, engineers were dismissed from the public service, and others brought into service to supply their places. It was often my duty to detect and reject fraudulent claims against the State. Just and fair settlements were exacted from all officers, agents, and contractors. And, on

account of the miserable state of the currency, I encountered much embarrassment and perplexity from shavers, brokers and money-changers of various descriptions. I was forced to suppress the interference of officers and agents of the road, and, in selecting stations and depots, I could not satisfy the cupidity of the selfish and interested competitors. And in the discharge of my duty I was forced virtually to condemn many of the acts of my predecessors.

Upon the whole, I incline to the opinion that the stern discharge of my duty while in the management of the affairs of this road made me more enemies than friends. Indeed, my best reward in this office, from beginning to end, was my consciousness of having rendered much useful service to my State; for the compensation which I received was wholly inadequate to the services and responsibility of the office.

For the present, however, I will close this article, and proceed to give to the reader perhaps my first quarterly report to the Governor, and final report to the Legislature, at the close of my administration of the affairs of the road, and, possibly, a few other documents connected with the subject. These papers will put the reader more fully in possession of the knowledge of the duties performed by me than any thing which I could now write on the subject; and, being official documents, long since laid before the country, are, consequently, more reliable than my present recollection of these transactions. The law under which I acted as agent of the Western and Atlantic Railroad required of me to make quarterly reports to the Governor; and the following is a copy of my first quarterly report to the Governor after I entered upon the duties of my agency, and will serve to give the reader a more satisfactory idea of the duties of the office than anything which I have heretofore said on the subject:

Marietta, April 13th, 1842.

W. & A. R. R. Office.

Hon. Charles J. McDonald,

Governor of Georgia.

Sir:—In discharge of the duty which devolves on me under the provisions of the act of the General Assembly of December last, and previous acts of the Legislature, to which I look for my guidance in the discharge of my present agency, I respectfully submit to you the following report,

embracing the information required of me by law since I entered upon the discharge of the duties of this office in January last.

On the 19th of January, I received from Messrs. Liddell & Irvin, two of the late Commissioners, a transfer of the books, papers and assets embraced in the schedule which I have heretofore transmitted to the Executive Department, in terms of the late act of the Legislature, together with such vouchers and papers as I could find in the office, and which I deemed to be necessary accompaniments to the reports previously made by the Commissioners. Before entering upon a statement of the disbursements, the amount of work finished, and the condition and progress of the road since the commencement of my agency, I consider it necessary to a clear view of this branch of the public interest that a few brief remarks should be submitted in elucidation of the expenditures of the present year. These expenses are by law restricted to the necessary disbursements for the payment of existing contracts in December last, and the putting into complete operation fifty-two miles of the eastern portion of the Western and Atlantic Railroad. These contracts, however, are found to be dispersed on nearly the whole line of the road, about one hundred and fifty miles in extent, and to embrace contracts for works of great magnitude and very heavy expenditure, consisting of masonry, bridges, grading, superstructure, &c. By reference to the estimates of the Chief Engineer, made in October last, it will be seen that to fulfil the then existing contracts, for masonry, bridges, grading, and superstructure, not including iron rails, chains, and spikes, it would require the sum of \$408,764.11.

From the same estimate, it will be seen that the further sum of \$254,640 would be required for the purchase and laying iron rails, chains, and spikes, for the road south of the Etowah River, being about fifty miles; and from the best estimate which I have the means of making at this time it will require the further sum of \$80,000, for the masonry, locomotive engines, passenger and freight cars, water stations, store houses, machinery and work shops, to put in operation that part of the road designed to be completed by the late act of the Legislature. A further item of \$35,660, being the usual estimate of 5 per cent. for pay of engineers, superintendents and contingencies, being added to the foregoing items, presents the sum of \$779,064 as the amount of expenditure required to carry into effect the

work authorized to be executed by the late act of the Legislature. But this large amount of expenditure may be greatly diminished: First, by rescinding many of the existing contracts which existed at the time of making the estimates herein referred to; secondly, by using iron rails of less weight—nothing but necessity, however, justifies this change; and, thirdly, by greatly diminishing the number of the engineer corps and other agencies connected with this service, as well as contingent expenses. This can only be done effectually after the entire amount of abandoned work shall be ascertained, and the cost of iron and other articles shall have been settled by actual purchase. Therefore, it is not practicable at this time to approximate with accuracy to the precise amount of diminution of the present year's expenditures. All that can be saved by rigid economy and strict adherence to the public interest will be constantly kept in view.

The work, however, which is still in progress, being spread over a line of great extent, renders it necessary to continue in the public service a much larger number of engineers than would be required to superintend the same amount of work on a short, or limited, line. The expense, too, on the superstructure, will be greatly increased by the adoption of the plan of carrying the timbers through Doctor Earl's mineralizing process. This plan, however, had progressed beyond my control before my connection with the road, or I should certainly have arrested it. It was not only determined on, but its execution provided for, in several of its most expensive parts. The timbers which I found already provided for the superstructure, having been sawed from the common sap pine of the up country, cannot last long, unless they are greatly improved by the process to which they are intended to pass through.

Therefore, we are under the necessity of carrying out this plan, and I trust the success of the experiment may greatly exceed my most sanguine expectations; for candor compels me to say I consider the whole theory and plan an entire *humbug*.

I am required by law to make quarterly returns to the Governor of the disbursements of the current quarter; but, under all the circumstances, I consider it my duty, in this my first report, to go still further and embrace not only the current quarter, but to include my entire financial transactions in connection with this office, which will exhibit, at one view, not only my official acts, but the present and

prospective means of accomplishing the duties assigned me, as heretofore communicated to you. I received from the late Commissioners, Messrs. Liddell and Irvin:

In State bonds.....	\$ 65,500 00
Cash funds	5,000 00
Central Bank notes.....	500 00
	<hr/>
Whole amount	\$ 71,000 00
Received from the Governor subsequently.....	100,000 00
Scrip issued and put in circulation by me.....	71,260 00
Checks on the Central Bank.....	17,659 23
	<hr/>
Aggregate amount	\$259,919 23
Whole amount of disbursements made by me, on all accounts, including the redemption of outstanding scrip is.....	155,428 80
	<hr/>
Which leaves a balance of assets now in the vault	*\$101,490 43

But it is proper for me here to remark that the liabilities of this office at the time that I received it was for outstanding scrip \$113,530, which exceeded the whole of the assets which came into my hands \$42,530, and, of the above stated amount of outstanding scrip I have already redeemed, with State bonds, \$16,000, which still leaves a balance of old scrip outstanding of \$97,530, and of scrip which has been issued by me and put in circulation \$56,010. These two amounts added, make the present amount of outstanding scrip \$153,540, and exhibits the present liabilities of this office, over and above its assets, to be \$52,049.57.

In explanation of this report, and the vouchers which will accompany it, allow me to remark that the plan of book-keeping which I have adopted will necessarily leave every thing plain, and easy to be understood by my successors—to wit: I charge to cash account all the assets of every description which come into my hands for disbursement, although the different kinds of funds are designated, whether they consist of cash, State bonds, scrip, or checks upon the Central Bank, they all stand charged against this office, in the order of dates that they are received. And not one

*By actual calculation, this should be \$104,490.43, but the figures are given as they appear in the manuscript.

cent is disbursed, or paid out, except upon a legal voucher, and duplicate receipts are taken, in every case, and the vouchers placed on regular files. Yet a considerable portion of the vouchers on which payments have been made cannot be taken from this office, with propriety, and sent to the Executive Department with my quarterly reports. I have reference to such as the estimates of the Engineer Department, which are my pay rolls, and cannot be dispensed with at this office until final settlements are made with each contractor, as I often find it necessary to refer to these documents. However, they shall all be presented at the Executive Department in due time. Again, I have no voucher for the scrip redeemed by me, except the scrip itself.

The whole of my disbursements, however, you will find accompanied by the proper receipts, and numbered from 1 to 216, and from 1 to 23, inclusive. For the aggregate of the work done on the Western and Atlantic Railroad during the first quarter of the present year, I beg leave to refer you to the report of the Chief Engineer. The contractors on that part of the road designated for completion are respectable, efficient and responsible men, and I still indulge the confident belief that we can have the cars running on the fifty-two miles suggested before the close of the present year; provided we can obtain the iron and other necessary appendages to enable us to progress with the work without further delay. But you will perceive that the present liabilities of this office exceed its assets \$52,049.57, and I shall not feel myself authorized to increase the circulation of scrip until I am furnished with the means to redeem it. Indeed, I do not feel myself authorized to issue one dollar more in scrip than I have bonds in hand to redeem it with. Our State paper should not be further degraded by depreciation. And an effort will be made thus to degrade it, if a failure to redeem the scrip issued at this office, promptly, in bonds, should again occur. I can but consider it a great misfortune that the credit of such a State as Georgia should ever have been disparaged by an injudicious use of her credit. *Credit*, however good, will never supply the place of a sound currency for any length of time without depreciation. It is a hazardous condition for either individuals or governments to place the value of their credit in the safe-keeping of shavers, brokers, and speculators. And it is with the deepest mortification and reluctance that I am compelled to witness the estimation in which the credit of our beloved State is held at this time by these speculating

gentry. They are here every pay-day for the express purpose of depressing our State securities.

This state of things must not be permitted to continue. It is artificial, and has grown out of financial indiscretion and derangement. Why should not the credit of Georgia be equal to that of any other government on earth which depends on human agency? Upon a financial adjustment of all the unsettled affairs of the State, our State debt if, indeed, we would have any, would be so small as to make its total extinguishment a matter of no inconvenience at all.

When I reflect upon the great natural resources and advantages of our great State, of our soil, climate, mineral wealth and geographical position, together with our good and rapidly increasing population, I am ready to say: *It is enough!* Time and wise management alone is all that is necessary to relieve our people from every present embarrassment. It is but a few days of distress, and a glorious future awaits us. Let the people have good laws, wise rulers, and they will prosper. The sober sense of the great body of the people wants nothing but equal laws and equal rights in such a land as ours.

As you know, sir, it was with reluctance that I entered upon this railroad service, not that I was insensible to the honor you did me in the invitation to co-operate with you in sustaining our great State enterprise in connection with the State Road, but from the apprehension that, under all the existing circumstances, I should not be able to render much efficient service to the public. And candor compels me to say I still feel that I am struggling in a field where the glory of victory hangs upon an uncertain tenure. But without enumerating the causes which cast a thick cloud over our great State enterprise at present, allow me to say my present position has caused me to reflect much upon the whole subject of our road enterprise, and that success is completely within our grasp. If you and myself fail of victory, yet victory will come! This enterprise will succeed!

The day, sir, is not far distant when a railroad, from the navigable waters of the Mississippi, through our line of State Road to the Atlantic Ocean, will be in complete and successful operation.

I speak not in the spirit of prediction—my views are based on reason and the spirit of the age. And when I take into consideration the vast importance of a railroad communication between our Southern and Western States, in a commercial, political and social point of view, I feel

assured that nothing can occur which will long impede the completion of our great State work, if we continue to be under the guidance of that wisdom which has already made us a distinguished people. If the law will authorize you to afford us the means to complete the fifty-two miles of road, the superstructure of which is now in rapid progress of completion, my best exertions will be used to have it in successful operation before the close of the present year. And this being accomplished, will, ere long, bring up the Monroe and Georgia Railroads to our eastern terminus, which will give to the country railroad communication from our Southern Atlantic cities to the fertile valleys of North-western Georgia. And from thence the power of steam cannot be arrested until it reaches the Father of Waters, the great Mississippi.

I have the honor to be yr. obt. servt.,

WILSON LUMPKIN

REPORT OF WILSON LUMPKIN,
AGENT OF THE WESTERN AND ATLANTIC
RAILROAD,
TO THE LEGISLATURE OF GEORGIA.

Western and Atlantic R. R. Office,
Marietta, Ga., Nov. 4th, 1842.

To the Senate and House of Representatives of the State of Georgia, in General Assembly met.

In the discharge of a duty which devolves on me, under the provisions of the laws of the State of Georgia, I respectfully submit to the General Assembly a report of my official transactions in connection with the Western and Atlantic Railroad, commencing January last, and embracing all such information as the several acts of the Legislature, defining my duty, appear to require.

Under the provisions of the act of the 4th of December last, on the 18th of January of the present year two of the late Commissioners, Messrs. Liddell and Irvin, transferred to me the books, papers and assets of their office, as set forth in a schedule taken at the time, a copy of which was transmitted to the Executive Department shortly thereafter.

The assets received from the hands of the Commissioners amounted to the sum of \$71,000, and consisted chiefly of 6 per cent. State bonds; and the demands against the office, for outstanding scrip put in circulation by the Commissioners previous to my connection with the office, and redeemable in State bonds, exclusive of other evidences of debt against the office, amounted to \$113,530. I have since received from the Executive Department, in 6 per cent. State bonds, \$265,000, and have checked on the Central Bank for \$47,632.20; and the amount of scrip issued and put in circulation by me, now outstanding, is \$24,540. The interest on scrip, and other debts due the office which have been collected, is \$9,842.29, from which it will be seen that the aggregate of assets chargeable to me during my agency amounts to the sum of \$418,014.49 and that I have actually disbursed out of the aforesaid sum, upon legal requisitions and proper vouchers, the sum of \$409,841.87, as will satisfactorily appear from the receipts and vouchers which have accompanied my several reports to the Executive Department; and from which it may be seen how every dollar confided to my hands has been disbursed, and leaves a balance, now in the vault of my office, of \$8,172.62, all of which will more fully appear by reference to a tabular statement, marked Document No. 1, which is herewith submitted.

According to the last report of the President of the Board of Commissioners of the Western and Atlantic Railroad, made to the General Assembly, and dated on the 4th day of November, 1841, the aggregate expenditures on the road, up to the 10th of October preceding, amounted to the sum of \$2,164,326.34, exclusive of \$60,000, which had been disbursed in the survey of the road, previously to the formation of the Board of Commissioners. From the 10th of October last, up to the date of my entering upon the duties of disbursing agent, the Commissioners continued to discharge the duties of their office, and to make payments accordingly; and from the best evidence which this office affords, which is the receipts taken for the amounts paid out, it appears that the payments made by them during this time, under every head, amount to \$94,491.85, the receipts and vouchers for which payments I forwarded to the Executive Department in the month of February last. The whole of these several items of expenditure on the Western and Atlantic Railroad, under every head, up to the 10th of October of the present year, exhibits the aggregate sum of \$2,728,405.92.

Tabular statement No. 2 will show the whole amount of work done, and materials procured, expenditures for construction, engineer service, "Earlizing" timber, concessions of the right of way, individual damage to private estates, and various contingent expenses. It may be proper to remark here that some disbursements have been made during the present year for the purchase of iron, and other articles for the road, under the direction of the Governor, and through the agency of the Chief Engineer, which is not embraced in my financial transactions and tabular statements, but are nevertheless chargeable to the road.

I would respectfully ask the attention of the Legislature to these interesting financial transactions, so far, at least, as I have been connected with the same, with entire confidence that I am fully prepared to evince to the perfect satisfaction of the Legislature the care, economy and correctness with which I have discharged every duty confided to my charge. I am the more desirous that this subject should receive the early attention of the Legislature, as various considerations combine to induce me to relieve myself, at the earliest day practicable, from any further official connection with this service—a service in which I should not have embarked but from a sense of my obligations to the people of Georgia. The work authorized to be executed on the road during the present year being limited by the act of December last to the existing contracts at that time, and to the completion and putting into operation fifty-two miles of the eastern portion of the road, the duties of the officers and agents of the State have been principally confined to the objects designated by law. The larger portion of the contracts on the western portion of the road have been rescinded in conformity with the provisions of the act of December last, and the few who are still operating (not more than three or four) will, by law, be compelled to close their operations on the first day of December next.

Nothing but the want of available funds to purchase iron, locomotive engines, cars, and other necessary appendages, has prevented the fifty-two miles of road, commencing at the eastern terminus, from being at this time in successful operation. Yet, there has been an extraordinary and incalculable delay, extra expense and labor, to which **the State** has been subjected in carrying the timber for the entire superstructure of fifty-two miles of road, and of several bridges, through what is termed Dr. Earl's preserving process. The materials employed in this process are certain propor-

tionate mixtures of the sulphates of iron and copper, applied in solution, properly heated by the aid of boilers constructed for that express purpose, all of which materials, together with a part of the boiling apparatus, had been procured by my predecessors, previous to my connection with the service. Whatever theorists may say on the subject of thus preparing timbers for the superstructure of railroads, I have the most entire confidence that no man of practical, common sense will ever again make the experiment, after witnessing this splendid failure (such an experiment as our State has made in this case), involving as it does the unavoidable labor and expense which must attend such wild projects; and what is still more to be deprecated, it is most confidently believed that the most faithful and persevering effort to carry out the plans and views of the inventor of this process, but little, if any, durability will be added to the timbers thus prepared. For some purposes, small timbers may possibly be improved in durability by this process, but not such timbers as are used for the superstructure of railroads. The solution cannot be made to penetrate and saturate large timbers.

It is believed that the work authorized to have been done on the road during the present year has been accomplished, as far as the interest of the State and other circumstances would allow. Under the provisions of the act hereinbefore referred to, it necessarily required some time to enable the Governor to reorganize a suitable corps of engineers to discharge the duties of that department of the service.

The gentleman selected as Chief Engineer, Charles F. M. Garnett, Esquire, did not enter upon the duties of his appointment until the month of February last; but it is due to him for me to bear testimony to the zeal and ability with which he has devoted his time and services to the State throughout his official connection with the same.

The state and progress of the work upon the road, in connection with the consideration that but little remains to be done to complete all existing contracts, leaves the Legislature free from those embarrassments which have heretofore existed—that is, of providing the ways and means to carry out large existing contracts for work contracted on the road, or of violating the faith of the State by rescinding contracts made with citizens by the authorized agents of the State.

The entire work authorized to be done by the act of December last would, as hereinbefore stated, have been completed by the close of the present year, at furthest, but

for the want of available funds to carry on the work. Our resources have been, to check upon the Central Bank, to a limited amount, and the use of State bonds; and our great reluctance to use the credit of the State, at its depreciated value, induced us in our contracts to complete and put in operation the road at the sacrifice of the interest and credit of the State, to stop short of much which might have been accomplished but for these embarrassments.

It now devolves on the Legislature to determine what shall be done with this great public interest and enterprise of the State. The question of embarking in this enterprise is not now before us. That question has not only been decided, but the decision acted upon, so far as to expend upon this great work near three millions of dollars. By a reconsideration of the subject we cannot expunge what has already been done. The record must stand, as long as our statute books remain. At the present embarrassing moment perhaps but few of us would be disposed to embark in this great enterprise. We might perhaps prefer to see such improvements under the care and charge of private companies, and be content with the State patronizing such companies. We can all now see errors connected with the progress of this great work. The great and obvious one to all reflecting men has been the expenditure of all our resources upon the entire line of 140 miles of road—in grading, masonry, bridging, &c., without putting a single mile of the road into operation. The haste and precipitation in locating and putting the entire line of road under contract was a policy which few will now attempt to vindicate. From the beginning, the work on this road has extended over a line of such length as to make it necessary to keep up a very large and expensive corps of engineers (never less than twenty at one time), as well as numerous officers and agents of various grades.

But I am neither disposed to dwell upon nor conceal the errors which have been committed in connection with this subject, further than may be necessary to a brief, but clear, exposition of my own views. It is too late now to obliterate what has been done, and the interest of the State requires that we should not underrate the value of what has been accomplished, because time and experience have demonstrated errors in our past progress.

The amount of money already expended by Georgia and her enterprising citizens, in the construction of railroads, will not fall short of \$10,000,000, and the investment of so

large an amount of capital in railroads, at a period when the financial affairs of the whole country have become deranged, so as to produce universal embarrassment and severe pressure in money matters, could not fail to press heavily upon all those who have made such investments. Our progress thus far has been that of constructing and building roads. We have experienced much of the toil and expense of railroad enterprise, without having entered but to a very limited extent on the more pleasing part of receiving remuneration, either in the way of dividends or the facilities of travel and commerce. And even admitting that these railroad investments may never yield an adequate recompense to those who have made them, may we not take courage and consolation from the conviction that our State and common country cannot fail to derive incalculable benefits from our labor? When patriotism demands it, let us willingly bear the heat and burthen of the day, that posterity may derive the benefit.

The financial condition of the country, in connection with the worthless paper currency which has expelled the better currency (gold and silver) has caused the present available resources of our State and railroad companies to be pretty nearly exhausted, and many of the pioneers who have labored and toiled to accomplish these works will likely pass away before they are completed. But the present generation will not pass away before complete lines of railroad will be in successful operation from Charleston and Savannah, through the length and breadth of Georgia, to the great Mississippi. Nothing can possibly retard long this great consummation. The utter abandonment of our present great work by those who have heretofore sustained and prosecuted them would not retard their progress to any great extent. Destiny must be obeyed.

Notwithstanding the extraordinary times through which we have passed, and the embarrassments thereby brought upon railroad companies, in common with the rest of the community, nevertheless the companies most intimately connected with our State enterprise have still persevered and progressed. In the course of twelve months, it is claimed that the Central and Monroe Railroads will be in complete operation, and the fifty-two miles of the eastern portion of the Western and Atlantic Railroad being in operation, will give to our people a continuous line of railroad of 350 miles, commencing at our largest sea port town, Savannah, and running diagonally through the State to the rich and beautiful valleys of Northwestern Georgia. The fifty-two miles.

of the State Road being in operation, will be able to sustain itself under proper management, as soon as it is intersected by a road from the Atlantic. The Central and Monroe Railroads are entitled to all the aid and encouragement which the State may be able to extend to them. The State now has a direct interest in their speedy completion. And the Georgia Railroad will certainly be completed at a day not far distant. The importance of that work, its present progress, and the enterprise and capital enlisted in its accomplishment, insures its speedy success. Of the speedy and ultimate completion of these roads I do not entertain a doubt. It is true that the State, as well as private stockholders in such works, is at this time severely pressed, and a state of despondency overspreads the minds of many of our most valuable citizens. Nevertheless, the state of our common country will be permanently benefited and elevated in character by the present sacrifices of our enterprising and patriotic citizens. The name of Gordon, in connection with the Central Railroad, will live in honor on the pages of Georgia's history, so long as the English language shall be read; and the patriotic and successful exertions of Dearing and Griffin, in accomplishing so much in carrying forward the Georgia and Monroe Railroads, will survive any detraction from their efficient services in connection with these works.

Our railroads connecting our Southern Atlantic cities with the navigable waters of the great West may justly be considered amongst the most important railroad connections that have enlisted the enterprise of this progressive age.

In a political, social and commercial point of view, our works are unsurpassed in importance; and, in a pecuniary point of view, cannot fail to be highly advantageous.

The railroads of Georgia being completed will effect more for the general defense of our common country, both from internal and external enemies, than fifty millions of dollars expended upon fortifications on our extensive sea coast.

These roads will overcome space, and bring distant places nigh. The mail facilities alone will be an item of vast importance to the country. Our seaboard and mountain population will no longer be strangers to each other; they will become one people. And our fellow citizens of the Far West will no longer be strangers and aliens from our commonwealth. These roads being completed will give to the country new channels of commerce, and exchange of agricultural and other products and fabrications. They will

greatly hasten the development of the great natural resources of our State, and add at least 100 per cent. to the value of the real estate of our interior population.

New productions will be created, not heretofore thought of. New enterprises and greatly increased habits of industry will follow in the train of these improvements. The amount of travel and freight on these roads must be immense. How can it be otherwise? An examination and close deliberation of this subject will remove every premature doubt. Our impatience under the pressure of temporary burdens should not be allowed to mislead our sober judgments. I have made myself familiar with the brief history of railroads, and I believe that no road of any importance has yet been put into operation, and kept in proper repair and well managed, the business of which has not greatly increased.

Moreover, most of the railroads which are in operation and free from debt throughout our whole country are now yielding satisfactory dividends to the stockholders.

It cannot be concealed that the vitality of railroads depends upon their good management, and I confess that my only doubt of the triumphant success of the railroad enterprise in our section of country is a fear that they may not be well managed.

It not only requires a master spirit, endowed with ability and fidelity of character, to conduct and manage these enterprises, but it requires, in addition, untiring vigilance, watchfulness, industry and perseverance. Nothing short of sleepless vigilance and constant attention to small as well as great matters can insure success; and from these considerations I have sometimes doubted the policy of Government engaging largely in works of this character.

The management of banks and railroads generally succeeds best when under those who have a direct interest in their success. It has been often remarked that the only prerequisites for public trust were capacity and honesty; but I am greatly mistaken if I have not very often seen men of undaunted capacity and honorable reputation in high trust, where public interest and their duty were most shamefully neglected. Indolence and love of ease often disqualify men for public trust, while they cannot be justly charged with ignorance or dishonesty. Under these considerations I hope to see the State, at the proper time, relieved from the management of both banks and railroads. But it will require time and the exercise of wise deliberation to effect these

objects in a manner which shall best promote the interest of the State and people.

The State, as well as individuals in general, has made investments of her capital in times past which scarcely any one would advise under our existing embarrassments, with our present lights and experience. But the State is bound by the most sacred obligations to sustain all her contracts, institutions, and works of internal improvement to their final completion. Whatever she has brought into existence must be sustained until a judicious disposition can be made of her investments. The Western and Atlantic Railroad should never be abandoned. It is a noble and invaluable work to the State and to the country, and must be very profitable to its owners at a day not far distant. When the proper time shall arrive, let the State, if it should be thought advisable, dispose of the road; in the meantime, let us take care of what has already been done. It is a most valuable public property. The interest, honor, and prosperity of the State require that our expenditures should be brought and kept entirely within the available means and resources of the State; and this state of things can only be attained by a well organized financial system. Financial matters cannot be well conducted without the most rigid system and accurate calculation. No individual, or government, should ever contract debts, without first devising the ways and means to meet their payment with promptitude and punctuality. In money matters it will not do to depend upon kind fortune alone, without doing our own duty.

The two great measures of policy out of which has arisen the present crisis in the financial affairs of our State may be traced to our State banking system, and our large and rapid expenditures on our great State Road, as may now be seen, developed in the present condition of the Central Bank, and the Western and Atlantic Railroad; and these operations have all been conducted under the direction of the Legislature. In regard to the policy which has been pursued in regard to these, it is useless now to criminate or recriminate. That which is now necessary to be done is to sustain the honor and secure the interest of the State, and this will require the united exertions of the intelligence and patriotism of the State. By legislation, the Central Bank has been deprived of its capital and resources, so far as to wholly incapacitate it to discharge the duties for which it was originally established. The capital of the Bank has been exhausted upon the Western and Atlantic Railroad,

while a large amount of its bills are outstanding and depreciated as a currency. And I consider these bills now a part of the public debt, and that they ought to be redeemed as speedily as circumstances will allow. As no further appropriations made by the Legislature can be paid by the Central Bank without still further depressing its credit, would not an entire divorce between the State Treasury and the Bank be a wise and expedient measure? Why should further drafts be made on the Bank, when it is known that its means are insufficient to meet its present liabilities?

Appropriations cannot be made with propriety unless the means are provided at the Treasury to meet the appropriations. If the assets of the Central Bank cannot be made available to meet its liabilities and sustain its credit, it is then obviously the duty of the State to sustain the credit of the Bank, by such legislation as the wisdom of the Legislature may devise for that purpose. This being done, and the punctual payment of the interest of our public debt being provided for in manner which shall be perfectly satisfactory to the creditors of the State, and Georgia will again be *herself*.

When I contemplate the vast resources of our great State, her climate, soil, variegated productions, mineral wealth and rapidly increasing population, our present State debt and financial embarrassments produce no despondency on my mind. Wise and judicious legislation, stimulating the industry and enterprise of the people in all the various arts of life—combining the operative energies of Nature with science, capital and physical power, is all that is necessary to make our State happy, prosperous and honored by all the world. We should practice the strictest economy in the expenditure of public money, and thereby render oppressive taxation unnecessary. But we should not shrink from any burthen of taxation which may be necessary to maintain the honor and credit of the State in meeting its obligations already incurred.

The service in which I have been engaged has given rise to the reflections and opinions which I have taken the liberty of submitting to the Legislature on the several subjects adverted to in this report. And if an apology be necessary for having expressed myself so freely on these several subjects of vital interest to the State, it must be found in the abiding conviction resting on my mind that a *sound currency* and *high credit* are as necessary to the prosperity of a State as good blood is to the physical system of man.

My views are most respectfully submitted to the Legislature, not as one having authority, but as a citizen in common with the great body of the people.

I have the honor, gentlemen, to be, yr. most obt. servt.,

WILSON LUMPKIN,

Agent, &c.

Athens, Nov. 25th, 1853.

The present generation, especially its junior members, who have never bestowed the necessary time and research to make themselves acquainted with the early political history of Georgia, labor under many misapprehensions in regard to numerous subjects of much interest and importance to the present enlightened generation.

Such persons are often much surprised at the ignorance and stupidity of their ancestors, without stopping to ascertain and reflect on the true state and condition of those who have preceded them, or even to know what was really attempted and accomplished by them. They remain strangers to the history of their immediate progenitors.

Such persons will doubtless be still more surprised when I express to them the opinion that the people of no state or country can be found who have from their first settlement of a wild wilderness, more than a century past, up to the present date, uniformly and at all times exhibited a larger share of enlightened zeal or steady perseverance in every branch of civilization and human improvements than that of the people of Georgia; and more especially as regards education, and what is now familiarly termed internal improvement.

Therefore, after closing what I had intended to say for the present on the subject of our great State Road (the Western and Atlantic), I deem it to be not inappropriate to give the reader a very brief and much abridged sketch of some of the early efforts of Georgia to improve her facilities of commerce and navigation, by means of that which would at this day be termed internal improvements, and thus attempt to sustain the opinion which I have expressed in regard to the industry, enterprise and intelligence of those who have preceded us.

I will go back as far as the recognition of our independence as a sovereign state; but, in advance, I must admonish the reader constantly to bear in mind the true condition of

our people; the paucity and sparseness of our population; the general poverty of our people, and the dark day of the world, when compared with the present, in regard to the application of many of the arts and sciences to the useful purposes of man. We were truly in a state of infancy. Nevertheless, we were children of *promise*.

It would be both tedious and uninteresting to the reader for me to recite and trace all the various provisions of the acts of the Legislature of Georgia, from the earliest times, to sustain my assertions. However, the reader who will take the trouble and labor to examine the legislation of Georgia in detail, from the year 1783 down to the present date, 1853, will find that scarcely a session of the Legislature has intervened between the two periods named without some legislation designed and intended to improve what was once supposed to be our navigable water courses, or to construct canals, to build bridges, to improve or make wagon, turnpike, plank, or railroads.

Georgia has never been idle. She has been incessantly striving, the whole time, for most of a century, to improve and extend her commercial facilities by such means as I have suggested. It is not necessary to tell me that the means whereby she attempted to effect her desired objects were wholly inadequate, or that her plans of improvement were based on ignorance.

It is admitted that she neither had the knowledge nor the means to carry into effect such works as adorn the country at the present day; but that same spirit of high aspiration and perseverance has neither slumbered nor slept in the people of Georgia, since the capture of Cornwallis, at Little York.

A very large proportion of all the wealth and intelligence which we now behold in active operation in Georgia—checking our State with railroads; rearing up magnificent buildings for colleges and high schools in almost every county; erecting comfortable churches in every city, town and neighborhood, as temples for the worship of the living God—all this has been extracted from the fertile and productive fields of Georgia, and we are now enjoying the luxuries and blessings which have flowed to us in copious showers from the toil and sweat of our care-worn ancestors. Let us not despise the day of small things.

And dare any of the present generation look back with a sneer of contempt upon the Legislatures of 1798 and 1799, for incorporating a company for cutting a canal from the

Altamaha through Alligator Swamp, to a creek of the same name, to the City of Brunswick, in Glynn County?

It is true that the means set apart by the Legislature to carry into effect this grand project was very limited, indeed. They authorized the Commissioners of Glynn County and the Town of Brunswick to apply to that object £279.3s. of the proceeds of the sales of confiscated property, whenever that amount could be realized from the aforesaid sales, and further authorized them to sell certain vacant pine lands lying in the County of Glynn (then thought to be worthless) to aid in their canal project.

Again, in 1799, a company was incorporated by the Legislature, with a capital of \$40,000, for the improvement of the navigation of the Savannah River, from the Town of Augusta to Petersburg, at the mouth of Broad River.

And about the same time a lottery was authorized, and Commissioners appointed to superintend it, to raise \$1,000 to open the navigation of Broad River, from Petersburg to the forks of the river.*

About the same time provision was made (upon a small scale, to be sure) to improve the navigation of the Savannah, Altamaha and Ogeechee Rivers, together with almost the whole of the multiplied tributaries of these several rivers which were large enough for good mill creeks, including the three forks of the Oconee, in the neighborhood of my present residence. And from that time to the present day scarcely a session of the Legislature has passed at which appropriations of money, upon a larger or smaller scale, have not been made to improve, in some way or other, such of our rivers as were thought to be navigable, or to make and improve roads, build bridges, or do something else in the way of internal improvement. At first, appropriations for these objects were exceedingly small, necessarily so on account of the leanness of our Treasury; and as the State advanced in wealth, and increased in population, these appropriations were greatly enlarged; and any person who will now take the trouble to examine the records of the State, and ascertain with precision the aggregate amount which the State expended, from first to last, on our water courses, common roads, canals, bridges, &c., previous to commencing

*This is probably the act assented to Feb. 21, 1796, authorizing the raising of \$4,000, by lottery, for the purpose of "Opening and clearing the River Savannah, and extending the navigation thereof from the Town of Augusta to the mouth of Lightwood Log Creek and Broad River, from its mouth to the south fork."

our railroad system, will rise from the task better instructed on that subject than almost any citizen in the State.

It was my intention to have made the examination myself, but want of all the necessary material at hand caused me to decline it.

But, from the data which I have before me, I will venture the opinion that Georgia expended millions of dollars, with a view to commercial facilities and transportation, previous to her entering upon her great enterprise of the Western and Atlantic Railroad. And, to sustain this opinion, I will here remark that notwithstanding the insignificant appropriations for such objects which I have hereinbefore referred to, in the year 1817 the Legislature, in one act for the improvement of the navigation of numerous rivers, appropriated the respectable sum of \$250,000.

Although we can now all see the almost utter loss and inutility of most of the expenditures, we were learning wisdom in that good old school of experience. We were following slowly, but surely, in the footsteps of those who had preceded us, in other States and countries. We tried improving the navigation of small serpentine rivers, until we were convinced that such rivers were only fit to feed canals; and, before we had made much progress in digging canals, some of us had heard, read and thought of wooden railroads, the cars propelled by horse power; and before we got a wooden railroad under way, to be propelled by horse power, at the rate of four or six miles per hour, the fire horse and the iron rail were announced to be in operation, on a limited scale. And this was our condition a little more than a quarter of a century ago.

But from the time, in 1798, that we were plodding over the subject of making a canal from the Altamaha, through Alligator Swamp, to the City of Brunswick, and making Broad River navigable up to its forks, and making our Oconee branches navigable even above Athens, and including the Appalachee, all this time Georgia has constantly had her thinking, investigating, intelligent, sensible men—men gaining knowledge from experience and standing already sufficiently enlightened, and ready to take hold of and improve upon all the improvements of the day. The men who were educated in the schools of danger, difficulty and adversity are not yet quite all gone.

In conclusion of this article, may I not be allowed to say that in the relative elevation of Georgia in the midst of her sister States, in relations to her internal improvements

at the present time, I do not assume exclusive merit over others for this high attainment of my beloved State. No; let the masses of the people of Georgia share the honors, as well as the benefits, of her achievement. Their industry, virtue and intelligence alone could have placed Georgia where she now stands.

I trust I may, however, without a charge of indelicacy, be permitted once more to advert to my official connection with the internal improvements of Georgia for many years past, which may serve unerringly hereafter to point to the true history of these transactions. I will not go further back than the year 1825, when I was elected a member of the Board of Public Works by the Legislature of Georgia, and, being selected by my colleagues of that Board and Governor Troup, for the purpose, spent the year 1826, in company with Mr. Fulton, the State Engineer, in taking a general reconnoissance of the State, with a view to a systematic plan of internal improvements. While in this service I devoted my whole time and all the capacity I possessed to acquiring information connected with the business in which I was then engaged. And suffice it to say, in this place, that I then came to the conclusion that railroads would prove to be the best possible investment for Georgia, and that they would at some day chiefly supersede the navigation of all small rivers and the most of the canal projects of that day. Moreover, I then thought whenever Georgia should find herself prepared to embark in any great work of internal improvement she should commence at Savannah, from thence to Milledgeville, and from thence to some point on the Tennessee River, near where Chattanooga is now located. These opinions were not only entertained but freely expressed, officially and unofficially, upon proper occasions. It is proper to state, however, that, at that time, there was but a few miles of road in the world with iron bars on the superstructure. Nor was there a locomotive engine in existence—as far as was known to the Chief Engineer, Mr. Fulton, and myself. And we both thought iron quite too expensive to be laid on long lines of railroad. But we both concurred in the opinion that even wooden railroads, and the freight propelled by horse power, was preferable in Georgia to all other modes of internal improvement upon a large scale.

In the year 1831, when I entered on the duties of the Executive Office, we had advanced much in our knowledge of building railroads. We had now found that it was both

expedient and practicable to lay iron rails on roads, and that in the end it would be economy to do so, in preference to relying on a wooden road. The idea of horse power, also, had vanished before the iron horse, or locomotive, &c. During the four years that I was in that office I exercised my best influence to enlighten, encourage, and prepare the way for my project of a great State railroad, as may be seen by my several messages to the Legislature, and in my official correspondence connected with the subject of railroads.

My great aversion, however, to individual or State indebtedness was such that I did not urge immediate action on the subject, until we should first prepare the way by a well organized and defined system of finance, which would ensure the ways and means to prosecute to success so great a work. My next official connection with the internal improvements of the State is that which is partially presented in the preceding part of this chapter.

By references which I have already made, it will be seen that two entire years of the prime of my life, with a very moderate compensation, was devoted almost exclusively to the subject of the internal improvements of Georgia, when in the most important official positions in connection with the subject.

Besides, during the four years that I was Governor of Georgia, a due share of my time was devoted to the same subject; and I did all that could be done at that time to keep the subject alive, and prepare the public mind, until the removal of the Cherokee Indians, which event I had long believed should be the signal for the commencement of our great State Road.

While in the Executive Office of Georgia, I had some experience in the direction of the improvement of our great market roads, by slave labor, the property of the State; and my convictions then were, that it might have been made a highly beneficial policy to the people for that system of improvement to have been perfected, and kept up. But the Legislature thought differently, and the system was abolished.

I leave this record in connection with this subject to those who will survive me.

HON. WM. H. CRAWFORD.

Some time in the latter part of the summer, or early

part of the fall, of 1831 (I have not the precise date before me), when I was first a candidate for Governor of Georgia, in opposition to Mr. Gilmer, the Hon. Wm. H. Crawford published in various newspapers an address to the people of the United States, purporting to be a vindication of his own conduct in relation to various political matters. But, from the large share of attention paid to myself in that publication, it was obvious to every one who read it that the principal design of that address was to injure me in my then approaching election for Governor. And this induced me to reply to that part of the address which assailed me with injurious intent.

I preserved the papers in which these publications appeared, but cannot at this time find them. But I have my original draft of what I did publish, in my own handwriting, and am quite confident that it varies but little, if at all, from what I did publish. And after due reflection, and reading Gov. Gilmer's lately published volume on matters and things in general, I have felt it to be my duty to place my reply to Mr. Crawford on these pages, for the purpose of affording to posterity the means of vindicating my character from false charges, even when emanating from such men as Mr. Crawford and Mr. Gilmer. Like most of the prominent political men of the day, I have been falsely accused of very many political sins of which I was entirely innocent. The verdict of the people, throughout my life, has vindicated me from such falsehoods. And I hope posterity will not be misled by newspaper or book perversions of truth.

For the Georgia Journal, 1831.

Messrs. Editors:—In the Georgia Journal of the 25th inst. I have read an address, To the Citizens of the United States, signed Wm. H. Crawford, in which I perceive that the venerable gentleman has used my name in rather an unfriendly and uncourteous manner—more so than I presume he would have done at a more calm and lucid moment. Was this publication located and confined in its circulation to the people of Georgia, where Mr. Crawford and myself are and have been best known throughout our lives, I should deem it entirely unnecessary on my part to pay the slightest attention to his denunciations. But the notoriety and standing which Mr. Crawford once held throughout the whole country may cause this publication to mislead some portion of the reading public.

I deny, in the most positive terms, the whole of Mr. Crawford's unfounded charges which he has arrayed against me. And he knows them to be false.

He knows that I have been an undeviating Democratic Republican throughout my whole life. He knows that I am no turn-coat. He knows my firmness and independence, from the most mortified experience. He knows that, in my youth, I was attached to him, and supported him for various offices. He knows that I abandoned him greatly against my popular interest, and contrary to the wishes of many of my personal friends and nearest relations.

I discarded Mr. Crawford, as a public man, because, from a long and intimate acquaintance with him, I became fully satisfied that he was wholly unworthy of that share of public confidence to which he aspired. And this is the *somerset*, this is the *turning* with which Mr. Crawford and a few of his subservient presses and friends attempt to reproach me, because, in my youth I had supported him as a candidate for the State Legislature, and other offices. And afterwards, when he aspired to the Presidency of the United States, I preferred and supported Andrew Jackson, I am denounced as a political apostate, and charged with a want of Republicanism. Time *was* in Georgia, when Mr. Crawford had the art and means to make the people believe that Republicanism consisted in supporting him in all his ambitious schemes of self-aggrandizement. But his magic arts have long since been unveiled. His caucus schemes of political juggling are at an end. The people of Georgia are now free; the passports to honor and distinction are now *merit* and *intrinsic worth of character*. I disregard Mr. Crawford's attempts at oppression. Denunciations from that quarter are now without effect. The people of Georgia will not, at present, believe me to be a Federalist, because I supported Andrew Jackson in preference to Wm. H. Crawford for the Presidency. Mr. Crawford's letter to Mr. Balch, a copy of which passed through my hands to Mr. Calhoun, was not known to have been in existence by me until I received it from Gen. Newnan. After reading it, I entertained no doubt that Mr. Crawford was engaged at his old tricks of mischief-making between the President and Vice President—the two highest officers of the Government, for both of whom I entertain the highest regard and friendship. If I was mistaken in regard to the relations which had existed between the President and Vice President and Mr. Crawford, so was the whole country. Every one knew that Mr. Calhoun's

friends generally had contributed to the elevation of Gen. Jackson to the Presidency; and that amongst the most distinguished friends of Mr. Crawford the General had found his most bitter and violent opposers upon the subject of the Seminole War, and every other question where his fame was involved. Moreover, I wrote with the more freedom to Mr. Calhoun, because I knew that Gen. Jackson had, years before that, expressed his firm convictions to me of the unworthy course of Mr. Crawford and his friends upon this subject of the Seminole War. If I was under some misapprehension on this subject, so was Gen. Jackson himself, and the whole country besides. Mr. Crawford is entirely mistaken in regard to my humble pretensions. I make no pretensions in regard to the gift of *prophecy* or extraordinary sagacity; I am amongst the number of those citizens of Georgia whom he brands with the mark of ignorance for having sustained Gen. Jackson against the most slanderous persecutions of Mr. Crawford and his co-workers in Georgia. I never was so humiliated in my own eyes as to set up the political creed of Wm. H. Crawford, Geo. M. Troup, or John Clark, as my standard of political orthodoxy. I have always had a much higher standard, and that has been the Constitutions of my country—first, State and then Federal. In interpreting these instruments, I avail myself of the lights of those who have preceded me, and arrive at my conclusions accordingly.

As Judge Crawford has, throughout his life, manifested a peculiar fondness for newspaper controversy, and as his friends have always boasted of his great powers in that line, and as my utter aversion to controversy is well known to all my acquaintances, I trust that his honor will hereafter select some other person for the revengeful portion of his essays, and leave me to use my best and entire efforts to fill up the measure of my duty to the public, in whatever position may be assigned me.

I will close by addressing a few interrogations to Mr. Crawford, which he may answer whenever it may suit his convenience:

Interrogatory 1. Did you not draft, and sanction, the Augusta resolutions, in 1789, expressing the *most* unbounded confidence in the firmness, *justice* and *wisdom* in the administration of John Adams, Sr.? If yea, what was your age at that time?

Interrogatory 2. Was not one of your first acts, when you went into the Senate of the United States, in 1807,

to vote against the embargo, recommended by Mr. Jefferson, to save our commerce and mercantile capital from the desolating sweep of the French decrees and British orders in council? And was not that measure then considered the touchstone of Republicanism? And was not your vote then recorded with a Federal minority, with Timothy Pickering, of Massachusetts, at your head?

Interrogatory 3. When Mr. Jefferson and the Republicans determined to abandon the embargo, and prepare for more decisive measures, were you not then opposed to the repeal of the embargo? And do you not now think it was expedient in its incipient stage when you voted against it, and unwise in its continuance, when you voted for it?

Interrogatory 4. Did you not, about the time you went into the Senate of the United States, set your eye upon the Presidential chair, by a courtship with the Federal party?

Interrogatory 5. Did you not treat Mr. Madison's war message sneeringly, and admonish the Senate against preparation for war, pretending then that the embargo ought to have been continued and adhered to? And did you not afterwards, when the war became inevitable, pronounce it worse than ridiculous to think of supporting our commerce by a navy?

Interrogatory 6. When the question of the War of 1812 finally came direct before Congress (though you finally voted for the measure) was not your support cold, equivocal and inefficient, during the long and dubious contest in the Senate of the United States, and did you ever raise your voice in its support?

Interrogatory 7. Did you not, soon after the war was declared, take refuge from responsibility and danger in a foreign court, and there remain in undistinguished and unprofitable security, until the storm of war had subsided?

Interrogatory 8. Although you shrunk from the responsibility of sustaining the war, were you not found, soon after the return of peace, ambitiously aspiring, by the most censurable means, to that high office which a grateful people had almost unanimously designated as the reward of the great and efficient services and recent self-devotion of Mr. Monroe?

If Mr. Crawford will answer the foregoing interrogations, directly and truly, I think the old gentleman, with all his *fluency* when he *figures* again before the American people, will not venture to accuse me of political "*Apostasy*" from the Republican party, for having abandoned and discarded

him, as being wholly unworthy of the Presidential chair.

WILSON LUMPKIN.

Note.—Mr. Crawford, in his address referred to in the foregoing article, not only accused me of political *apostasy* because I supported Gen. Jackson for the Presidency in preference to himself, but he said this *change* of mine, *as he termed it*, took place after I was forty years old, and that any man who changed his politics after that age was not influenced by principle, but some selfish design. And this explains my reason for inquiring into his age, in my first interrogatory. I will here add that, in drawing up my accusative interrogatories, I felt confident that Mr. Crawford would never attempt to answer them, as he well knew that I was able to establish his guilt, as intimated in my questions, before the whole country. From the time of this publication of mine, to the death of Judge Crawford, he never again to my knowledge attempted to disparage my character.

January 1st, 1855.

W. L.

Athens, January 1st, 1855.

GOVERNOR GILMER'S BOOK.

After glancing hastily over this unique production, I feel assured that its inimitable sketches of past events will afford a rich treat to the hearty *laughers* of Georgia. Its contents, of course, can never be brought fully under regular review by any *thinking* competent writer. Indeed, it is difficult to treat of a *thing* which is without *form* and void. Nevertheless, there are ebullitions *gumboed* up in this highly seasoned dish of political party prejudice which require modification and correction.

The author's direct personal *hits* at his former political opponents were to have been expected by all those who are at all acquainted with his peculiar temperament and excitability. He can neither speak nor write of those with whom he differs, without manifesting a superlative degree of prejudice. Yet I sincerely hope that Gov. Gilmer may so far survive his prejudices as to forgive those whom he thinks have trespassed against his *superior claims* to political distinction. And that he also may be forgiven for his many trespasses against others.

On page 566 he says: "When Mr. Lumpkin, my successful opponent in 1831, came into the Executive Office on the morning when he was to be inaugurated, when I was still in possession officially, I forgot the mortifying circumstances of my own situation, upon witnessing his own confusion. Previous to his becoming a candidate he assured me that he approved of my recommendations to the Legislature that the gold mines should be preserved for the use of the State, and the Indians protected against injustice; telling me that he should not avail himself of the unpopularity which had followed what I had done to become Governor, though he had been greatly urged to do so. But the temptation to office increased with the increasing probabilities of success, until the assurance which he had given to me unnecessarily was necessarily forgotten."

In noticing the foregoing quotation from Gov. Gilmer's book, it is proper, first, to state that the deep mortification of Gov. Gilmer at being ejected from the Executive Office was the constant subject of remark in every circle; so much so that he had a large share in the sympathy of many good men who had contributed to his defeat. Indeed, they pitied him in his agony of confusion and distress. I confess he had a large share in my own sympathy, for I had no unkind feelings towards Gov. Gilmer.

Moreover, I always gave him full credit for honest intentions to administer the government of the State to the best of his ability. As to my approval of his recommendations to the Legislature, and my assuring him that I would not become his opponent for Governor, &c., I solemnly declare that I have not the slightest recollection of ever having spoken to him, or of having written a single line to him upon the subjects to which he adverts.

I know that I never did believe that it would be either a wise or practicable policy for the State to reserve and work the gold mines for the use of the State, as recommended by Gov. Gilmer. And as regards *justice* and *protection* to the Indians, I claim to have been their best and most constant friend for forty years past.

From the 1st of December, 1830, to the first of August, 1831—eight months—I was constantly receiving letters from my part of the State, urging me to become a candidate for Governor at the next October election in opposition to Gov. Gilmer. In all my replies to these letters I declined yielding to the proposed honor in the most appropriate manner of which I was capable. I was really averse to exchanging

my position at that time, as a member of Congress, for that of Governor of Georgia. I had just been elected to a new Congress by a large and general vote of the whole State; and I thought that the experience which I had there gained in Congress was such as to enable me to render my State more efficient service in Congress than I had ever before been able to do.

Moreover, although I already saw the inefficiency of Gov. Gilmer's policy and measures in bringing our long-standing Indian difficulties to a happy close, yet I was apprised of the fact that my old friend, Gen. Jackson, and Gov. Gilmer were acting in perfect concert in regard to our Indian matters at that time. They both still retained the old idea that nothing could be done effectually in furtherance of the removal of the Cherokees from Georgia previous to making an old-fashioned Indian treaty, in which the Cherokees should relinquish their claims to the country then occupied by them. They both entertained great confidence that extending the State laws over the Indians would induce them to leave the State, by laying hold of the emigrating policy of the United States, &c., &c. And hence my reluctance in becoming a candidate for Governor was greatly increased; for, whatever efficiency there might be in the policy of Gen. Jackson and Gov. Gilmer, I knew that my position as a member of Congress, in relation to Indian affairs, would enable me to render useful service in co-operating with them; but I must confess that my hopes of removing the Cherokees by the policy and means then in operation was so small that my mind was fully made up that, if I was Governor of Georgia, I would pursue altogether a different policy and different measures from that which was then in a course of inefficient progress—a policy which I believed to be more just and honorable to all the parties in interest, and which could not fail in the end to benefit the Indians, as it would be certain to expedite and hasten their removal to the West. Under all these circumstances, in resisting the appeal to become a candidate for Governor, for at least eight months, although greatly pressed, I necessarily said all that my conscience would allow me to say to reconciling my friends to the continuance of Gov. Gilmer in office for another term. And we now have in this book a specimen of his gratitude for my kindness towards him. And after all this, why did I yield my assent to become a candidate? Answer: Because nothing else would satisfy my beloved friends and constituents who had stood by me

through evil and good report, for upwards of thirty years. They finally commanded, and I obeyed. At the college commencement, at Athens, in August, 1831, I gave my assent for my name to be used as a candidate, and I was elected on the first Monday in October following.

And no person can at this time form a correct opinion in regard to the difference in the views of Gov. Gilmer and myself, upon the then state of our Indian affairs, without first reading his last annual message to the Legislature, in November, 1831, and then reading my views upon the same subjects, communicated to the same Legislature, in the same journal, a few weeks thereafter, at the special request of the Legislature. By reading these two documents carefully it will be plainly seen that our Indian affairs had arrived at a crisis which demanded a change of both men and measures. It was necessary to the enforcement of our laws, as well as the peace of the State. And yet, it will be seen that Mr. Gilmer thought of no change of policy. Experience had proved that our laws could not be maintained over a half-civilized, half-savage people, of some 10,000 souls, scattered over five millions of acres of land, and not disposed to obey or enforce our laws. A country, too, containing great mineral wealth in the precious metals. Therefore, it became necessary to introduce into this country a settled freehold white population, both capable and disposed from motives of interest to aid in a faithful administration of the laws of the State. No other remedy was left but to place our citizens on the unoccupied lands of the country, or to establish a military despotism which should be deprecated by all who love liberty and equal rights. The Judiciary of the country, from our inferior courts up to the Supreme Court of the United States, had declared our laws unconstitutional, and had fully taken sides with the Indians. And these courts were aided by most of the lawyers of Georgia, as well as by distinguished lawyers from various other States. Therefore, at the close of Gov. Gilmer's administration the Indians were not only more averse to removal and leaving the State, or making a treaty, but felt assured that their cause was every day gaining strength throughout the country.

The Indians had become accustomed to Mr. Gilmer's hightened, spicy "*paper bullets.*" They disregarded his *splutter*. They viewed him as a man of words, but not of deeds. And I must confess that this state of things in connection with our Indian affairs had so greatly changed

for the worse from the time that I was first urged to become a candidate for Governor to the time when I assented to it, that my own feelings had undergone a considerable change. In December, 1830, I indulged a favorable hope that Mr. Gilmer, by the aid of Gen. Jackson, might carry the State through its then existing difficulties with the Cherokee Indians. But the progress of things from that time to the following August produced serious apprehensions for the ship of state with a helmsman so feeble in the time of a violent storm. Confused and embarrassed as Mr. Gilmer represents me to have been when at the threshold of my executive duties, without one faltering step, I took the command, in the midst of the whole official crew of State—my decided political opponents—and my first official step was to give my views plainly and fully in regard to what was necessary to be done to sustain the ship of state in its then hazardous condition in relation to our Indian affairs. And many of Mr. Gilmer's friends and supporters who were members of that Legislature came to the aid of my friends who were in a minority in that Legislature. And my views were sustained in the most important points by that Legislature, although so very different from the views of my predecessor.

In accordance with my views, the Cherokee lands were shortly thereafter surveyed, and in less than one year commenced being populated and settled by good freehold white citizens. And at the meeting of the next Legislature the country was laid out into ten new counties which were organized in the second year of my administration, and the civil and criminal laws of the State in regular operation in these ten new counties. I was then elected to another gubernatorial term of two years, and before the end of that time the most respectable portion of the Cherokee Indians had been brought to see and acknowledge that the best interest of their people required their emigration to the West, without loss of time, and were anxious to enter into a treaty for that purpose—which treaty was concluded and entered into a few weeks after the close of my last term, December, 1835. All this was effected, too, in the face of a most violent opposition, composed chiefly of Mr. Gilmer's political partisans and associates. It was an opposition of the most violent bitterness. All this was effected, too, without violence, or bloodshed. During my four years administration of the Government the whole Cherokee country was run out into small lots, properly surveyed and marked, and thousands of our white citizens went into the country, and settled as the

near neighbors of the Cherokee people, the Indians all having their improvements reserved to them, with the necessary wood land to sustain their improvements.

Notwithstanding all this was accomplished, I venture the opinion, and facts will sustain me, that there was not more murder, robbery and theft committed in the Cherokee part of Georgia during these four years than in the same extent of territory in some other parts of the State.

This last Treaty with the Cherokee Indians was negotiated by a very large portion of the intelligence of that people, but was still opposed by John Ross and his *kinfolks* who had become the wealthy aristocracy of the Cherokee people—not like Gov. Gilmer's Broad River *kinfolks*, by honest industry, labor and economy—but by swindling the poor Cherokees out of their Government annuities, and applying them to family aggrandizement. Ross and his party governed a large portion of the ignorant and savage part of the Cherokee people who were incapable of judging of these matters for themselves.

This Treaty of December, 1835, provided, amongst other things, for the appointment of two Commissioners by the President of the United States, by and with the advice and consent of the Senate of the United States, to superintend and carry into effect the various important provisions of this Treaty, preparatory to their removal to the West. The whole of the Indian improvements were to be valued and paid for—every cabin, every acre of cleared land, every fence rail, every fruit tree of every kind, was to undergo this inspection and valuation. Moreover, all persons having claims against any one or more of the Cherokee people, whether large, or plain, or complicated, submitted their claims to these Commissioners for adjudication and final settlement. Amongst other claims, lawyers from Georgia and several other adjoining States presented claims against the Cherokee nation and people, for legal services, amounting to near two hundred thousand dollars. Millions of dollars depended upon the court adjustment and settlement of all these complicated matters. Besides all this, the Indians had many cases of litigation amongst themselves touching their improvements, and other matters.

Moreover, these Commissioners were invested by their instructions from President Jackson with full power over all the operations, civil and military, connected with the execution of the Treaty and the removal of the Indians. And what rendered the discharge of their duty very unpleasant

indeed in regard to the military operations was that Gen. Wool would not co-operate in the discharge of his duty with the views of the Commissioners—to which cause I attribute the whole difficulty of the removal of the Indians. Gen. Wool was in reality a Ross man at heart.

Gov. Carroll, of Tennessee, and myself were the first Commissioners appointed to the discharge of these important duties; but Gov. Carroll, from bad health and other causes, never entered upon the duties of his appointment, and Judge John Kennedy, of Tennessee, was appointed to fill Gov. Carroll's vacancy, who, after his appointment, acted as my colleague during the time I was engaged in that service, which was from July, 1836, to November, 1837. And although Gov. Gilmer speaks of my official service as connected with this business as a very small affair, and intimates that I was called to its discharge by President Jackson for the purpose of promoting the election of Mr. Van Buren to the Presidency, I can assure Gov. Gilmer that nothing but his ignorance of the duties performed and his malignant party prejudices could have induced him thus to speak, and write, and publish in his *model book*. I would stake my reputation as to being a man of sound mind and judgment, that, if a board of the best qualified judges would thoroughly investigate the whole subject, and examine all the record proof appertaining thereto, they would unhesitatingly come to the conclusion that it required a higher order of talents to discharge all the duties that I did perform while in this office than any other office which I have ever occupied, although I have served for years as a member of both branches of Congress, as well as in the Executive Office of Georgia at its most eventful period. And, as to the ability and fidelity with which I discharged these duties, I invite the most scrutinizing investigation. Ample records of my actings and doings were deposited in the War Department, and if preserved, as they should be, will redound to my credit as long as they exist. Gov. Gilmer has not the slightest idea of the hazards, labor, and exposure which I passed through during this service, or, impudent and impetuous as he is, he would never speak lightly of such services which were witnessed from day to day by thousands of the people of Georgia, as well as of other States, for the term of nearly eighteen months—much less would he give his misapprehensions a place in his book of *old wives' fables*. His great hazard in crossing the Savannah River in a flat boat, and his memorable tour through the country, from

Columbus, Georgia, to Montgomery, Alabama, and home again, while there was still remaining a remnant of Indians in the country over which he traveled, although a country settled by a white population, would certainly be left out of his next edition of fables. Gov. Gilmer ought to know that he has nothing to gain by attempting to get up a new rivalry between himself and myself. During my service as United States Commissioner for executing the Cherokee Treaty (the accurate and official details of which I have given elsewhere) the whole of the Indian improvements were valued, returned, examined and recorded in well-bound books. All the claims for and against the Indians were investigated, determined and recorded, amounting to thousands of cases. Most of the payments were made, and proper receipts and vouchers taken, and filed, and recorded, of all the Indians who had emigrated and who were preparing for speedy emigration, embracing a large majority of those who were pleased with the Treaty, as well as many of the Ross faction.

In performing the various duties herein adverted to, I constantly kept in view the great importance of convincing and reconciling the Indians that their best interest would be promoted by a speedy removal—indeed, that their only hope of peace and prosperity was to be found in emigration; and, in all cases, assured them that they would not be permitted to remain in the country a single day beyond the time stipulated in the Treaty. Many cases arose in the transaction of this business which made it necessary for me, from time to time, to visit almost every neighborhood of Indians in the whole country. And in discharging this duty I often performed long *zigzag* journeys from place to place, on horseback, solitary and alone, without firearms, or guard of any kind, and that at the very time, too, when the greatest excitement existed in the country—often meeting bands of Indians alone, in the wilderness and caves of the mountains, and sometimes lodging at the houses (from necessity) of those known to be most hostile to the Treaty and emigration.

I only mention these facts to show that I am not disposed to magnify the dangers through which I have passed in crossing rivers in Indian flats and canoes, traversing mountain trails through a country in which there still remained a large number of poor, dissatisfied, angry and yet desponding Indians. Moreover, I knew my situation to be more perilous on account of the daily sympathy which John Ross and his friends were receiving from my political opponents, as well

as from many individuals attached to the United States Army then stationed in the country, with Gen. John E. Wool at their head. But none of these things moved me from a fearless discharge of my whole duty. I knew that murder was reeking in the hearts of John Ross and his leading friends towards me and the Ridges, and Boudinot, and the rest of the leaders of the treaty-making party.

But I operated on the fears of Ross and his party by having them assured, in a proper manner, that if the blood of any friend of the Treaty was shed an awful retribution awaited him and all his adherents. He believed me, and remembered that some years before that time he was very near being brought in chains to Milledgeville to atone for his many transgressions.

And this is the great secret why myself, the Ridges and Boudinot remained unharmed during these exciting times. While the Ridges and Boudinot remained in Georgia they were safe. And they would have remained unharmed to this day if the Federal Government had done its duty in protecting them after their removal to the West, as I often urged upon the Federal authorities.

Although I have stated the facts elsewhere in my writings, I will here repeat, as a part of the refutation of Gov. Gilmer's insidious attempt to revive an old refuted falsehood, to wit: that while I was a Senator in Congress I had countenanced an attempt of Mr. Van Buren to reconcile John Ross and his party to emigration by an indirect bribery, and a faint show of allowing further time to the Indians for emigration than that stipulated in the Treaty. Complete refutation to all such dark insinuations may be found in the whole of my official correspondence with Gen. Jackson, Mr. Van Buren, Gen. Cass, Mr. Poinsett, and anybody else with whom I corresponded as Commissioner for executing the Treaty, and all of which is on record. From first to last, in my every word and act in regard to executing the Treaty, I acted the part of immutability *itself* in unyielding opposition to the slightest compromise with John Ross, as regards the slightest modification of the Treaty. I always urged upon the Federal authorities the use of imperative language to Ross, to wit: that the Treaty must and shall be faithfully executed. I always thought, and have often written as well as said, that during the progress of executing this Treaty, instead of requiring all the disposable force of the United States Army to remove these Indians, as recommended by Gov. Gilmer himself, I would select a few hundred Georgians

who would accomplish the removal of the Cherokees, in the best possible manner, without the slightest aid or assistance from the Federal Government (see note at the close of this article). The letter of Messrs. Owens, Cleveland and Towns, to which Mr. Gilmer gives a place in his book, I have no doubt was written with an intent to do me an injury. Although they do not mention my name, I am doubtless the person they allude to as being in the daily councils of Mr. Van Buren and his Cabinet; for these gentlemen were all deeply mortified at the respect and attention that I was daily receiving from that quarter, while they were not considered worth consulting upon important matters of state. And it is well known that these same men had been honored with seats in Congress on my popularity, rather than their own; and why they and others of my own political party should have conspired together to do me injury is quite unaccountable, unless it be charged to the depravity of the human heart, which cannot bear to see others more confided in and respected than themselves. Many such letters were written about the same time, from Washington to Georgia, by those who owed all their political consequence to the public labors of my life. I afterwards ascertained to my satisfaction that this political conspiracy was formed for the express purpose of inducing me to retire from public life. I know of no cause for this movement, up to the present day, except that a few aspiring men of my own party came to the conclusion that forty years was quite long enough for any one man to be more prominent than all others of his party for high offices. Perhaps they were right for thinking it time for me to withdraw from public life and leave the way open to others. At any rate, this hint was amply sufficient for me. I at once resolved to serve no party which embraced a faction combined to do me injustice and disparage my public efforts to promote the public interest. I have not since allowed myself to be a Mordecai in the gateway of promotion to any aspirant of my old party friends. And I have supported some of these same men since for high offices, and have never allowed myself to retaliate on any of them in any way whatever. I contented myself by exposing all who were concerned in this matter, in a speech made in the Senate of the United States about the time of these occurrences. The speech was made in reply to Senator Preston, of South Carolina, and was published in the Washington Globe, and widely circulated at the time, as well as republished in many other papers. And

I have recorded it again in its regular order in giving a documentary history of my official acts in connection with Indian affairs. No one can read this speech understandingly and take into consideration the time and place when and where it was delivered, without being astonished at the folly and perfidy of the originators, aiders and abettors of this scheme to falsify and injure an individual so little deserving such vile assaults.

Gov. Gilmer happening again to be the occupant of the Executive Office of Georgia when the day for the final departure of the last Cherokees was at hand, set himself to work, in his usual way, to get up a great *ado* about nothing. He determined to raise one of his *teapot storms*, and assume to himself great credit in the removal of the Cherokees from Georgia. I have for several years past been apprised that Gov. Gilmer was making a great effort to pervert the truths of history in regard to this Cherokee subject. The publication of the Rev. Geo. White's "Statistics" gave me the first reliable evidence of Mr. Gilmer's movements. And when Mr. White was getting up his second book he applied to me, in a flattering and friendly manner, and requested me to write him an article for his books on Georgia's difficulties with the Cherokee Indians. I promptly declined doing so, but informed Mr. White that I would furnish him with ample printed documentary evidence of my official connection with that subject, in various important offices, and accordingly furnished him with the documents suggested. And when I explained to him these documents, and pointed out the order in which they should be taken up and read, and showed him that each consecutive document would corroborate and explain the preceding one, I plainly discovered his great embarrassment. I saw that he was too far committed to his patrons and friends to have any use for plain documentary historical facts. Since that I have put the gentleman in possession of some of my views on this subject, and have in my own writings assigned to him his true position as an author.* Those who may unfortunately form their opinions in regard to the history of Georgia in connection with her Cherokee difficulties from the mere reading of what can be gathered from the books of White and Gilmer will neces-

* See chapter XVIII of this work for Gov. Lumpkin's explanation of this matter. This further reference to it seems to indicate that Gov. Lumpkin reluctantly consented to the publication of the chapter on the "Difficulties with the Cherokees" in Mr. White's "Historical Collections of Georgia."

sarily be led to the most erroneous conclusions for all that is given in these books is intended to present Mr. Gilmer to posterity as the man who had done much, if not most, to relieve the State from the incumbrance of her Indian population. Mr. Gilmer was a member of Congress for years, at the proper time to have taken an active part in the great plan of Indian emigration—a plan for removing all the remnant tribes from the States east of the Mississippi to the west of that river to a suitable location. And if he ever said or did anything to effect this great object, except to give his vote, it is unknown to me. Well, after the long and arduous battle in Congress resulted in the consummation and triumph of this policy, and a good country was provided for the Indians, west of the Mississippi, and \$500,000 appropriated to defray the expense of the removal of the Indians, Gov. Gilmer was elected, and went into the Executive Office of Georgia, in November, 1829, and was supported in all his official policy and measures in regard to Indian affairs, to the end of his official term. And what was the result? Why, long before the expiration of his term a majority of the people of the State, notwithstanding his political party were largely in the ascendancy in the State, decided that Mr. Gilmer was not the man for such a crisis—that he would not do for the lead. The laws of the State had been extended over the Cherokee country, and a military guard had been provided and organized for the purpose of maintaining good order and peace in the Indian country, and to aid the civil authority in executing the laws, by apprehending and bringing to justice all offenders against the laws of the State. A law had been passed to prevent intrusions on the gold mines. And a law had also been passed requiring all white men residing in the Cherokee country to take and subscribe an oath to support the laws and constitution of the State, and in cases of refusal to do so, they were required to leave the country, and in case of failure to do so, they were then liable to prosecution, and, on conviction, were to be sentenced to confinement in the Penitentiary. And a number of missionaries in the Indian country obstinately made themselves obnoxious to the penalties of this last recited act, and were accordingly sent to the Penitentiary. And this is the great missionary case which produced the great fanatical excitement at the North. As will be seen by Mr. Gilmer's correspondence, as given in his book, I believe he was constantly trying to do the best he could with these various and complicated matters. But it is obvious from his own showing in these letters, as well

as his last annual message to the Legislature, that *confusion more confused* was daily increasing in the Cherokee country, and that the laws were not, and could not be, executed under all the then existing circumstances. The courts were still controverting the constitutionality of the laws of the State in governing the Cherokee country, at every step of the Executive which was taken to execute the laws. And notwithstanding the great military campaign of Gen. J. W. A. Sanford, under the direction of Gov. Gilmer, and his bombastic report of his battle with the gold diggers at Leathersford, on the Chestatee River, gold digging was still carried on to a very large extent. Indeed, the mines were so scattered and dispersed over the country that they could not be protected from intrusion by any reasonable amount of force. This state of things—indeed, the whole condition of our Indian affairs, at the close of Gov. Gilmer's administration—was such as to force every thinking, rational man who was well informed on the subject to despair of ever terminating our Indian perplexities by such agents and such means as then had the control of these vital affairs. And thus it was that I was made Governor of Georgia, to supersede Gov. Gilmer. And the policy which I at once recommended to the Legislature in regard to these vital matters of interest to the State may be seen in my communication to the Legislature, about the 1st of December, 1831 (which, I think, will be read by every person in Georgia, at least); for these measures then recommended were steadily adhered to, and pursued, in the midst of the greatest difficulties and opposition, at home and broad, until the consummation and final settlement of all our embarrassments and perplexities with the Cherokee Indians, and in their entire removal from the State of Georgia, in terms of the Treaty of December, 1835. But, in pressing the inquiry as to what Gov. Gilmer has done for the people of Georgia in regard to Indian affairs, it is proper to state that, after a lapse of six years, we find him again the occupant of the Executive Office of Georgia from which he had been expelled by the voice of the people, in October, 1831. He entered upon this executive term about six months previous to the removal of the last Cherokee Indians from Georgia, and immediately resumed his old practice of endeavoring to get up *a much ado about nothing—of raising a teapot tempest*; and after having laid the foundation, by his letters, of inducing Mr. Van Buren to make the attempt to conciliate John Ross by coaxing and money, he all at once became greatly excited and alarmed,

for fear that Mr. Van Buren would make a new treaty with Ross, and that the Indians would not be removed in terms of the Treaty of 1835. And all his official correspondence on the subject, which was very extensive, goes to prove that he was endeavoring to impress the public mind with the belief that he had again fallen on most perilous times, and that the great issue in Cherokee affairs was just at hand. How fallacious and insincere was all this blast of bugles and trumpets! For every sensible and well-informed man in the whole country knew just as well then as now that every thing had been done and fully carried into effect to settle forever our Indian perplexities, except the final departure from the State of a portion of the Ross party of the Cherokees who manifested an obstinacy upon the subject of removal, for the purpose of aiding Ross in getting more money from the Federal Government. The way having been prepared by others, and Mr. Gilmer happening to get in command, as Governor of Georgia, when the great battle in relation to Cherokee affairs was commenced in Georgia, he seems to assume much credit to himself for having brought on that battle. But the sagacity of the people very soon discovered that he was unequal to the task which had been devolved upon him, and, therefore, superseded him in the command by another who had been prominently instrumental in bringing about the then present state of things, and one in whom they had more confidence than they had in Mr. Gilmer. And he was for six years thereafter a quiet spectator of a controversy never before equaled in the annals of Georgia. He had seen him who now stood in the breach to effect the important change then in progress exposing himself to every hazard of person and character, in the midst of the Cherokee people, carrying into effect faithfully the provisions of the Cherokee Treaty of December, 1835, which had been brought about chiefly through his own instrumentality. Moreover, Mr. Gilmer had seen this same individual, after having secured the execution of the Treaty, transferred by the voice of the people to a seat in the Senate of the United States, to become the advisor, in many cases, of the Chief Magistrate of this great Republic. Furthermore, Mr. Gilmer is well apprised that when I took my seat in Congress, in the year 1827, that, without delay, I urged upon that body (being the first attempt of the sort from any one) the propriety of a general plan for the emigration of all the remnant tribes of Indians from the States to the west of the Mississippi River, and that I followed up that first move

with the most untiring zeal and constancy, until a suitable country was provided for the settlement and location of the Indians; and that, in 1830, five hundred thousand dollars was appropriated by Congress to defray the expenses of emigrating Indians. During the years 1827, 1828, 1829, and 1830, Gov. Gilmer is fully apprised of my extraordinary labors in Congress, as well as the success which attended them. He knows, too, that when I set this ball in motion all my Georgia colleagues then in Congress (himself included) considered my effort hopeless, and I have understood that more than one of my colleagues pronounced my effort nothing more than a popularity-seeking affair. But time and events have rectified all these slanders. In 1830, I was again elected to a new Congress, but before I entered upon that service I was forced by public opinion to the Executive chair of Georgia. I remained there for two terms—four years—the actings and doings of which years are spread upon the executive records of Georgia. I was there one year and a half engaged as Commissioner in carrying into effect the Cherokee Treaty of December, 1835. I was then four years a Senator in Congress, making, in all, thirteen and a half successive years, without any intermission, in the pursuit (as a prime object) of happily settling and winding up, and consummating all that could be desired by Georgia in relation to her Indian affairs.

And in this constant battle of thirteen years and a half public opinion kept me constantly in the lead, in regard to these Indian affairs. I was transferred from one high position to another, wherever the greatest difficulty and danger were to be met. And all this was passed through with a constantly increasing popularity, and the enlarged confidence of the people. And all that I have written upon these pages is amply and fully sustained by the records of the country. And now let me cite whoever may be the reader of this article to a few of the principal documentary evidences which will sustain all my statements. And, first, read my speech in the House of Representatives of the United States of February 20th, 1828, very imperfectly reported in the *National Intelligencer*. Secondly, read my speech, in the same body, delivered in May, 1830, but very incorrectly reported in the same paper—a paper which never failed to do me injustice in its reports. In this last case, however, by way of correction, I wrote out my speech, and it was published in pamphlet form, and was very extensively circulated in every part of the United States by numerous members

of Congress, as well as myself. I have retained only one copy of this speech; but have had it recorded, in manuscript, amongst my writings for posterity.

These speeches, and others, in connection with the journals of Congress, will fully sustain this article in regard to these four years in Congress. The next four years, while I was Governor of Georgia, will every word be sustained by the records of the Executive and Legislative Departments of the Government of that period. What I have said in regard to my acting as United States Commissioner for executing the Cherokee Treaty will be fully sustained by the records filed in the War Department at Washington. The most important parts of these records may now be seen on my private records, as taken from the originals. My course in the Senate of the United States may be pretty fully understood by reference to the Congressional Globe during my service in that body. But in a very special manner I request whoever may be the reader of this article to read and consider my speech, made in the Senate of the United States June 7th, 1838, in reply to Senator Preston, of South Carolina, on the then state of Cherokee affairs, which may be found correctly reported in the Congressional Globe.

In conclusion, it is due to Mr. Gilmer for me to say that I have never impugned his official motives when in public trust. But I have long considered him very deficient in the necessary qualifications to make an efficient, useful, public man. His undying prejudices and prepossessions have never allowed him to examine and judge calmly and impartially of men or measures.

His *kinfolks* (Broad River) and his special partisan friends seem to constitute his whole world of good. And when he looks upon his political opponents his *green-eyed* prejudice is such that very honestly, *as he thinks*, no good thing can come out of such a Nazareth of degradation. The foibles of those whom he dislikes are, by his telescope, magnified into mountains of iniquity. Let any impartial, sensible person read his book, and I think he will be forced to the conclusion that my opinions of Mr. Gilmer are fully sustained; or why has he so unnecessarily and spitefully trampled upon the *ashes of the dead*? For no other purpose than that of harrowing up the most painful feelings of the living. Would it not have been more becoming the character which Mr. Gilmer aspires to to have let the dead have buried their dead, and for him to have passed on, proclaiming the fame of his own friends to succeeding generations?

But Mr. Gilmer has always boasted of his *frankness* and *open candor*, and professed the greatest abhorrence of every thing like *trickery* and *deception*. But this book of his—in connection with the two volumes of his friend and co-operator, the Rev. Geo. White, whom he has aided and assisted in paving the way before him for his own literary advent—to my mind stamps upon his character the indelible stain of a deliberate and well-considered attempt insidiously to place himself on the pages of history of Georgia in a *false light*, by making himself the subject of admiration and distinguished usefulness in connection with matters where the seal of public disapprobation and condemnation had long since consigned to him an abiding place. And what is not less censurable in Mr. Gilmer is his attempt to detract from the merit and usefulness of his successful rival. He would gladly take from that rival the toil-earned merit and fame of a long life devoted to the service of his country. Should Georgia's history of the nineteenth century ever be written by a *competent author*, I here *warn* that author to search the records of the country for his facts. Let him place no reliance on party newspapers, essays, reviews, and periodicals, and to be still more especially guarded against looking for facts in *books of falles*, such as those of White, Gilmer, &c. These works are admirably adapted to the purpose of preventing the truths of history.

WILSON LUMPKIN,
of Georgia.

Note.—Let me here note, lest it be forgotten, that Mr. Gilmer, in his book, page 525, says: "A citizen who had held the highest office in Georgia, and was then very popular, and always very conciliatory, had been sent into the Cherokee country by Mr. Van Buren (where political opinions and party connections were less fixed at the time than elsewhere) previous to the election, with some *little commission*, which kept him there while the canvass was going on." Now, it is evident that I am the individual alluded to in the sentence quoted; and it is equally clear that when Mr. Gilmer penned this sentence he knew it to be wholly false and unfounded. My office of Commissioner, to which he alludes, was bestowed on me by Gen. Jackson, and ratified and confirmed by the Senate of the United States nine or ten months before Mr. Van Buren's election to the Presidency. And I received my commission and instruc-

tions, through the Postoffice, without the slightest previous intimation or expectation of receiving the appointment. It was accompanied by a private letter from Gen. Jackson, urging me to the acceptance of the unsought and unexpected appointment. And although Mr. Gilmer speaks of the office as a small affair, designed for electioneering purposes, an investigation of the subject will satisfy any sensible man that the magnitude of that office, and the discharge of its duties, would have crushed and extinguished a dozen such men as Geo. R. Gilmer. That office required a grade of qualifications to meet the various emergencies that would have completely overwhelmed such men as Geo. R. Gilmer.

WILSON LUMPKIN.

Athens, January 8th, 1855.

Note.—This Volume, as well as the preceding one, is composed almost exclusively of my own writings and speeches, extending through many years of my life; and have, in the course of a few years past, been compiled and brought into their present form by myself, at such intervals as could be spared from other duties. And, from the want of a copyist, it will be seen that much the larger portion of these volumes are in my own handwriting. I am fully apprised that, in a literary point of view, my writings are defective—my want of scholarship must necessarily make it so. But it is proper for me to state, for the information of those in whose hands these volumes may happen to fall, that many of the verbal and transcribing errors which will be seen, and which I am capable of correcting, have been postponed for the want of time and opportunity, and which I will still make, if time is allowed. I have read but a small portion of these writings, since brought into their present form, and what has been read was not with a view to making corrections. It has been a toilsome labor for a man of my age to write so much. I have some days written as much as twenty pages a day on this book, seldom taking time to mend my pen. No doubt in copying I have often omitted words, misspelt, and sometimes omitted whole sentences. But the intelligent reader of these pages will make the proper allowance for these defects, and not subject the work to illiberal and unjust criticism. The attempts which have been made, and are still making, to prevent many historical facts with which the labors of my life are closely identified, has induced me to extend my labors in the way of writing

far beyond what I had in the commencement anticipated.

The same cause has induced me to change my first intentions in regard to the character of my writings. Instead of writing on general and various subjects, for the use of the future historian, and pointing out, where documentary facts might be found, self-defense, the first law of nature, has forced me to labor chiefly to place the labors of my own life in their proper and true position before posterity.

WILSON LUMPKIN,
of Georgia.

Note.—To repel false impressions, and to relieve my character from the appearance of contradictory statements, it is proper for me to state that, although it was my settled and still unchanged opinion that it required no large military force to remove the Cherokee Indians in terms of the Treaty of 1835, and that they could have been removed, peaceably and quietly, by the aid of only a few hundred and well-selected Georgians, under proper command, nevertheless, circumstances and the bad management of the affairs connected with the execution of the Treaty, finally produced a state of things which made it necessary and proper to have a considerable military force—all of which is fully explained by the following statement of facts: After the Treaty was entered into, in December, 1835, it was the policy of the Federal Government to station a large number of its troops under the command of Col. Dunlap, of Tennessee, on the border of Georgia, in the Tennessee portion of the Cherokee country, for the purpose of maintaining the peace and quiet of the country. And this naturally led the timid portion of the white settlers in Georgia to magnify the danger of their exposed situation.

Moreover, very soon after Col. Dunlap and his command entered upon this duty they became very obnoxious to the people of Georgia, on account of their zealous advocacy of Ross and his party, as well as their open abuse of Georgia and Georgians, for their conduct towards the Cherokees. Under these circumstances, when I entered on the discharge of my duties as Commissioner to execute the Cherokee Treaty, much of my official correspondence might be produced to prove than I had, from time to time, favored the idea of employing a large military force. I urged upon the Federal authorities the propriety of the people of Georgia being guarded and protected by Georgians, instead of Ten-

nesseeans. I urged a change of Dunlap for some other officer of the United States Army, and my views received *on paper* the full sanction of the Federal authorities, and Gen. Wool very soon superseded Col. Dunlap in the command, and some Georgians were introduced into the service. But the whole of these military affairs were badly managed. It is true that, by the instructions of President Jackson to the Commissioners for executing the Treaty, the military were placed under the control of the Commissioners, yet it is equally true that Gen. Wool would not carry out the views of the Commissioners, but often thwarted them in their plans of operation. Thus, the exposed people of the Cherokee country, as well as the Indians, became greatly excited and alarmed—especially after Gov. Gilmer got into the Executive Office and commenced his old trade of getting up a great excitement over small matters.

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